



Wayzata Planning Commission

Meeting Agenda

Monday, July 16, 2018
7:00 p.m.

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

- 1. Call to Order & Roll Call**
- 2. Approval of Agenda**
- 3. Consent Agenda**
 - a. Approval of June 18, 2018 Meeting Minutes
 - b. Adoption of Report and Recommendation of Approval of Right of Way Ordinance Amendment
 - c. Adoption of Report and Recommendation of Approval of Variance for Albers Addition at 224 Broadway Ave N
 - d. Adoption of Report and Recommendation of Approval of PUD Amendment and Design Review for Broadway Place at 326 and 332 Broadway Ave S
 - e. Adoption of Report and Recommendation of Approval of Interim Use Permit and Shoreland Impact Plan/Conditional Use Permit for Wayzata Bay Car Wash at 143 Lake St E.
- 4. Old Business Items**
 - a. None
- 5. Public Hearing Items**
 - a. Ventana Subdivision – 253 Lake St E
Preliminary and Final Plat Subdivision
 - b. Taylor Residence – 405 Bushaway Rd
Variance

NOTES:

- ¹ Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

- c. Enclave at Crossdale Fence – 205, 211, 223 Byrondale Ave N
Conditional Use Permit

- d. Greenway Boathouse – 623 Bushaway Rd
Variance

6. Other Items:

- a. June 19th City Council Meeting Report – Commissioner Buchanan
- b. Review of Development Activities
- c. Next meeting is July 30, 2018

7. Adjournment

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
June 18, 2018**

AGENDA ITEM 1. Call to Order and Roll Call

Chair Buchanan called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Plantan, Murray, Young, Buchanan, and Flannigan. Absent and Excused: Iverson and Douglas. Director of Planning and Building Jeff Thomson, City Attorney David Schelzel, and Olivia Dorow Hovland from WSB & Associates were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, seconded by Commissioner Plantan to approve the June 18, 2018 agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Consent Agenda

a.) Approval of June 4, 2018 Meeting Minutes

Commissioner Murray made a motion, seconded by Commissioner Plantan to approve the Consent Agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Benton Harbor – 310 Benton Ave N and 1023 Gardner St E

i. Preliminary and Final Plat Subdivision

Chair Buchanan stated the applicant has waived the 120-day period of review and he requested a motion to continue the public hearing until the application is complete. Di

Commissioner Young made a motion, seconded by Commissioner Plantan to continue the public hearing for the preliminary and final plat subdivision at 310 Benton Ave N and 1023 Gardner St E until the application is complete. The motion carried unanimously.

b.) Right-of-way Ordinance

Director of Planning and Building Jeff Thomson stated during the 2017 legislative session, the State enacted a new law amending Minnesota's Telecommunication Right-of-way User Law to clarify whether wireless providers are treated the same as other telecommunications right-of-way users under State law. The law creates a separate streamlined permitting system for placement of small wireless facilities on city-owned structures in right-of-ways. In order to be consistent with the change in State law, the City needs to amend its Right-of-way Ordinance. The City Attorney has drafted an amendment to the City Code that incorporates the changes for small wireless facilities in the City's right-of-way. There are other changes based on staff's experience with administering the current ordinance and recent applications including sidewalk cafes, trees and landscaping, encroachments, and vacation of right-of-way. The Planning Commission held a public hearing and reviewed the draft ordinance amendment on June 4, 2018. An additional standard has been added that states that all reasonable methods of screening above ground wireless facilities must be used. A new section has been added for encroachments into the City's right-of-way. The standards for sidewalk cafes within the City's right of way have been updated and the Planning Commission provided direction that the Zoning Ordinance should be updated to expand how outdoor dining patios are regulated on private property. The Planning Commission should continue the public hearing on the draft Right-of-Way Management and Zoning Ordinance amendment and direct staff to prepare a draft Report and Recommendation on the ordinance amendment for review and adoption at the next Planning Commission meeting.

Chair Buchanan asked if there were any provisions for awnings outside of size.

Mr. Thomson stated the City does not have provisions regarding the appearance of awnings in this ordinance. He stated the City's sign ordinance and design standards underlie awnings.

Chair Buchanan continued the public hearing at 7:08 p.m.

There being no one wishing to address the Commission, Chair Buchanan closed the public hearing at 7:09 p.m.

Commissioner Young made a motion, seconded by Commissioner Murray to direct staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the draft ordinance as presented. The motion carried unanimously.

c.) Albers Addition – 224 Broadway Ave N

i. Variance

Director of Planning and Building Jeff Thomson stated the applicant and property owner, Steve Albers, has submitted a development application for the property at 224 Broadway Ave N. The applicant is proposing to construct a two-story, 646 square-foot addition to the existing single-family home and is requesting a variance. The proposed addition would be constructed at the rear of the house, in place of an existing patio. The addition would include a family room, bathrooms, and master suite. The property also contains a driveway running along the southern property line and a garage in the rear of the home. The northern wall of the addition would be parallel with the

1 existing northern wall of the home. The existing home is at a 3.3-foot setback from the northern
2 property line and the addition would also be at a 3.3-foot setback from the northern property line.

3
4 Commissioner Flannigan asked if the roof was overhanging the property line.

5
6 Mr. Thomson stated the road is about 2-feet from the property line.

7
8 Applicant, Mr. Steve Albers, 224 Broadway Ave N, stated the lot size is one of the restrictions
9 they have and if they were to build within the 10-foot setback they would not be able to access the
10 garage. He stated the addition would match the character of the new homes that have been built
11 in the area. The neighbors that he has talked to are in support of the project.

12
13 Chair Buchanan opened the public hearing at 7:18 p.m.

14
15 There being no one wishing to address the Commission, Chair Buchanan closed the public hearing
16 at 7:19 p.m.

17
18 Commissioner Young stated the addition would be in line with the existing structure and the
19 property is currently non-conforming.

20
21 Commissioner Plantan stated the adjacent properties also have non-conforming setbacks and she
22 would support the application.

23
24 Commissioner Flannigan stated he understands the rationale for the project but the variance request
25 is difficult to overcome. Adding a two-story building that close to the neighbor to the north will
26 affect their privacy. The Commission needs to consider the impact the addition would have on the
27 neighbors. He questioned why the garage was positioned the way it was because it meets the
28 setbacks. He would not support the application.

29
30 Chair Buchanan stated the request is reasonable but not permitted by this ordinance, the plight of
31 the landowner is due to circumstances unique to the property and not created by the landowner,
32 and the variance, if granted, will not alter the essential character of the locality. He would support
33 the application.

34
35 Commissioner Young made a motion, seconded by Commissioner Plantan to direct staff to prepare
36 a draft Planning Commission Report and Recommendation recommending approval of the
37 development application for 224 Broadway Ave V for a setback variance. The motion carried: 4-
38 ayes and 1-nay (Flannigan).

39
40 **d.) Broadway Place – 326 and 332 Broadway Ave S**
41 **i. PUD Amendment, Design Review**
42

43 Director of Planning and Building Jeff Thomson stated the applicant, Beltz Enterprises, LLC, and
44 the property owner, MJ Mail Center, LLC, have submitted a development application to modify
45 the previously approved redevelopment of the Gold Mine and Mail Center properties at 326 and
46 332 Broadway Ave S. The proposed modifications include connecting the previously approved

1 three-story mixed-use building to the existing building on site. The proposed addition would
2 require vacating the public alley located between the buildings. The applicant would request the
3 alley vacation from the City Council and no action for the alley vacation is required from the
4 Planning Commission. As part of the submitted development application the applicant is
5 requesting approval an amendment to the previously approved PUD to allow the connection of the
6 two buildings and design review of the building. The applicant is requesting deviations from the
7 design standards as the second-story would no longer be recessed except at the northwest corner.
8 He stated the application had been approved for retail on the first floor. The applicant does intend
9 to have retail on the first floor but would be different than what is outlined in the ordinance as
10 retail. The applicant is looking to add retail services/commercial. The efficiencies of combining
11 the two buildings would include the use of the existing elevators and corridors for access to the
12 upper levels of the new building. The proposed project would have the same building height and
13 impervious surface as the approved project.

14
15 Applicant's Representative, Mr. David Shea, Shea Inc., 10 South 8th Street, Minneapolis, stated
16 the potential clients are excited to have the two buildings connected. The entrance to the new
17 building would be through the existing building and the only changes to the exterior is the
18 extension of the building. There would be more retail space added to the building with the
19 proposal.

20
21 Commissioner Flannigan asked if the access point for the mechanical and trash would be marked
22 as no parking.

23
24 Mr. Shea stated this area would be marked appropriately.

25
26 Chair Buchanan opened the public hearing at 7:41 p.m.

27
28 Resident, Kathleen Kasprick, 722 Widsten Circle, stated her view was in 2016 the City Council
29 approved the variances in order to get Mr. Beltz to support the Mill Street parking ramp project.
30 She does not want to see Mr. Beltz include a dog groomer in the retail space. She clarified her
31 problem with the project is the voters and taxpayers stated they do not want the electrical on the
32 roofs. She has trees dying on her property due to the Mill Street ramp project and she has had to
33 deal with the noise and dirt from this project and she does not to go through it again with another
34 project.

35
36 Resident, Ms. Stacy Carisch, 681 E Lake St, stated she would like to see the roof of the building
37 and asked if the architecture for this had changed. She expressed concerns about parking and
38 people continuing to use the Carisch ramp to meet the public parking needs. The current sidewalk
39 is not user friendly.

40
41 Chair Buchanan closed the public hearing at 7:49 p.m.

42
43 Commissioner Flannigan asked for additional information on the parking and what the view of the
44 roof looked like.

45

1 Mr. Thomson stated the conversation in 2016 had been around how the City would be able to
2 manage all of the construction in this area at one time with this project and the Mill Street ramp
3 project. The impacts of the construction would have been greater if the two projects had occurred
4 at the same time. The sidewalk on the south side of Mill Street had also been discussed in 2016.
5 The City had decided not to build this portion of the sidewalk at the time of the Mill Street ramp
6 project because it would have been torn up with this project. The City does have a plan to make
7 this section of sidewalk more user friendly. He clarified the mechanical equipment on the rooftop
8 would be located below the parapet and would be screened from view from the street.

9
10 Commissioner Murray clarified the fee in lieu of parking would be more at this time because of
11 the increased uses in the building.

12
13 Mr. Thomson stated the Mill Street ramp had been funded independently and did not include any
14 fees from developments. The City created a Mobility District as part of the Mill Street ramp project
15 in order to allow for shared parking in the downtown area. The payment in lieu of parking is for
16 those businesses that are utilizing the parking provided by the City to meet those parking
17 requirements.

18
19 Ms. Carisch stated that when her family wanted to do a similar project they had to provide parking
20 and this had been used for public parking for several years. The City is now asking developers to
21 pay for this ramp and it seems short sighted of the City. The ramp is not being utilized as it should
22 be. The City needs to look beyond what this project requires.

23
24 Commissioner Plantan stated the building design was good and the connection of the two buildings
25 is done very well. She liked the additional improvements to the Mill Street side of the project.

26
27 Commissioner Young stated he would support the amendments. Connecting the two buildings
28 alleviates the need for additional elevator shafts and added building height. He had concerns about
29 the change from retail to retail, service/commercial but it has been pointed out that there is plenty
30 of parking in this area.

31
32 Commissioner Flannigan stated connecting the buildings enhances the aesthetics of the project.
33 He is in favor of this project and the proposed amendments.

34
35 Commissioner Flannigan made a motion, seconded by Commissioner Young to direct staff to
36 prepare a draft Planning Commission Report and Recommendation recommending approval of the
37 amendment to the previously approved PUD to allow the connection of the two buildings and
38 approval of the design review for 326 and 332 Broadway Ave S. The motion carried unanimously.

39
40 **e.) Wayzata Bat Car Wash – 143 Lake St E**

41 **i. Interim Use Permit, Shoreland Impact Plan/Conditional Use Permit**
42
43

44 Director of Planning and Building Jeff Thomson stated the applicant and property owners, Bruce
45 and Colleen Lea, have submitted a development application for the property at 143 Lake St E. The
46 applicant is proposing to construct an approximately 762 square-foot addition to the existing car

1 wash. This addition would house more equipment. No additional car wash bays would be added.
2 The addition would bring the wall of the car wash to within 2-3/8 inches of the west property line.
3 The development application requests approval of an Interim Use Permit and a conditional use
4 permit for a shoreland impact plan. The applicant has submitted a survey indicating one significant
5 tree on the site would not be removed for the building expansion project. However, aerial
6 photography shows a row of coniferous trees along the west side of the car wash that are not shown
7 on the survey. It is not clear if these trees would be impacted by the project or if they are
8 significant. Provisions of the Shoreland Overlay District stipulate that impervious coverage may
9 be allowed to exceed 75% of the total lot area when structures and practices are in place for the
10 treatment of Stormwater runoff and a shoreland impact plan/conditional use permit is approved.
11 This site is an existing car wash, which was at more than 75% impervious coverage before the
12 proposed addition.

13
14 Chair Buchanan asked if the existing car wash was operating under an Interim Use Permit.

15
16 Mr. Thomson stated it was not operating under an Interim Use Permit because this requirement
17 was changed after the car wash had been built. When the ordinance changed the car wash became
18 a non-conforming use and is covered by those regulations and standards. The expansion would be
19 subject to the Interim Use Permit standards.

20
21 Applicant, Mr. Bruce Lea, 143 Lake St E, stated the building had been built 50-years ago and they
22 have outgrown the space. The trees that are being removed are trees they planted.

23
24 Commissioner Plantan asked why the expansion was needed.

25
26 Mr. Lea stated they have a machine for washing towels and because of where it is located it is
27 constantly getting wet which affects the machine and replacing these machines is costly and the
28 power washing unit is at the other end of the building from where it is needed and because of the
29 connections required to bring the water where it needs to be there is not less pressure and the
30 machines are not operating as efficiently as they should be.

31
32 Commissioner Flannigan asked if there would be a change in the amount of noise that is created.

33
34 Mr. Lea stated they would not be adding equipment, using more water, or using more electricity.
35 They are trying to reorganize the building to be more efficient and cost effective.

36
37 Chair Buchanan asked if the applicant had considered other locations on the property that were not
38 as close to the property line.

39
40 Mr. Lea stated they had looked at other areas and he has looked at this for several years. There
41 are really no other locations on the property that would work for this equipment.

42
43 Chair Buchanan opened the public hearing at 8:22 p.m.

44
45 There being no one wishing to address the Commission, Chair Buchanan closed the public hearing
46 at 8:23 p.m.

1
2 Commissioner Young stated he would support the application.
3

4 Commissioner Flannigan stated he would support the application. He recommended tying the
5 Interim Use Permit to the property use as a car wash and if it no longer operated as a car wash the
6 Interim Use Permit would expire.
7

8 City Attorney Schelzel explained the Interim Use Permit requested is for the expansion of the car
9 wash. The property operating as a car wash is a legal non-conforming use for the property. The
10 City can set a limit on how long the Interim Use Permit is good for based on the conditions of the
11 permit being met.
12

13 Commissioner Young stated he would support the Interim Use Permit being valid as long as the
14 property owners operated as a car wash and if there is a change in ownership then the City would
15 be able to review this again.
16

17 Mr. Lea stated they would not be able to sell the property as a car wash and he would expect that
18 if the property were sold to someone outside of the family it would be redeveloped. They expected
19 to operate the business as a car wash as long as it is profitable. If there is a possibility that they
20 would have to take down this addition is 10-20 years then they would not likely proceed. The
21 addition is not adding capacity but rather giving them the opportunity to provide better service.
22 He would like to see the sunset part of the application removed.
23

24 Chair Buchanan stated the consensus of the Commission was to have the term of the Interim Use
25 Permit last as long as the property is operating as a car wash.
26

27 Commissioner Young made a motion, seconded by Commissioner Plantan to direct staff to prepare
28 a draft Planning Commission Report and Recommendation recommending approval of the Interim
29 Use Permit with a sunset date specifying the permit is valid as long as the property is operated as
30 a car wash and approval of the CUP/Shoreland Impact Plan for 143 Lake St E.
31

32 City Attorney Schelzel stated it might difficult to specify the sunset date as being tied to the land
33 use. He stated staff would look into this and determine if this was possible or if it should be tied
34 to the ownership of the property.
35

36 Chair Buchanan called the motion to a vote. The motion carried unanimously.
37
38

39 **AGENDA ITEM 6. Other Items:**
40

41 **a.) Review of Development Activities**
42

43 Director of Planning and Building Jeff Thomson stated the next meeting would include three
44 new development applications including a new house with variance on Bushaway Road, a
45 boathouse expansion on Bushaway Rd, and a fence application on Byron Avenue. He stated the
46 June 5, 2018 City Council meeting included approval of the Benedict's patio, the final plat for

1 350 Gardner St was approved, vacation of right-of-way at 649 Ferndale Road W was not
2 approved. At the June 19 meeting, the City Council will be making decisions on the Lake Effect
3 design, next steps for the Superior Blvd and Wayzata Blvd intersection and the Baja Haus
4 application.

5
6 **b.) Next Meeting is July 16, 2018**
7

8
9 **AGENDA ITEM 7. Adjournment.**
10

11 There being no further business on the agenda, Chair Buchanan asked for a motion to adjourn.
12

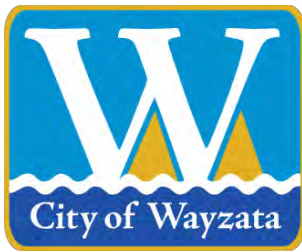
13 Commissioner Flannigan made a motion, seconded by Commissioner Plantan to adjourn the
14 Planning Commission meeting. The motion carried unanimously.
15

16 The Planning Commission meeting was adjourned at 8:43 p.m.
17

18 Respectfully submitted,
19

20 Tina Borg

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 16, 2018	AGENDA ITEM: 3b
TITLE: Adoption of Report and Recommendation of Approval of Right of Way Ordinance Amendment	
PROJECT NAME: Right of Way Ordinance	
ADDRESS: N/A	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The City has initiated an amendment to the City Code related to administering and regulating the use and management of City right of way.

Planning Commission Review

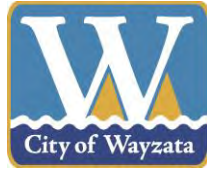
The Planning Commission reviewed the ordinance amendments and held public hearings at its meetings on June 5th and June 18th. The Planning Commission discussed several changes which have been incorporated into the draft ordinance. After reviewing the final draft, the Planning Commission voted 5-0 to direct staff to prepare report and recommendation of approval of the ordinance amendment for adoption at the next Planning Commission meeting.

PLANNING COMMISSION ACTION:

City Staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the ordinance amendment. The Report and Recommendation reflects the vote of 5-0, and includes the findings discussed by the Planning Commission.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

July 16, 2018

REPORT AND RECOMMENDATION ON AMENDMENTS TO CITY CODE FOR ADMINISTRATION AND REGULATION OF THE PUBLIC RIGHT-OF-WAY

RECOMMENDATION

APPROVE amendments to clarify and update City Code related to management and use of Right of Way

REPORT

Section 1. BACKGROUND

- 1.1 General. During the 2017 legislative session, the Minnesota legislature amended Minnesota's Telecommunications Right of Way User Law that created a uniform, streamlined permitting system for placement of small wireless facilities on city-owned structures in rights of way. In order to be consistent with the changes in State law, the City needs to amend its Right of Way ordinance. In connection with the changes, staff is recommending other amendments to various parts of the City Code that deal with the City's right of way, and combining all right of way regulations into one right of way ordinance. Based on the foregoing, staff has prepared draft Ordinance No. 781 to administer and regulate the public right-of-way, included as Attachment A, and draft Ordinance No. 782 amending Wayzata City Code Chapter 801 (Zoning Ordinance) pertaining to use and management of City right-of-way, included as Attachment B (collectively, the "Proposed Amendments").
- 1.2 Public Hearing. The Planning Commission held a public hearing on the Proposed Amendments on June 4 and June 18, 2018. Notice of Public Hearing on the Proposed Amendments was published in the *Wayzata Sun Sailor* on June 7, 2018.

Section 2. LEGAL AUTHORITY AND STANDARDS

- 2.1 City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance and other parts of City Code. Minn. Stat. Sec. 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by a property owner. Minn. Stat. Sec. 462.357, Subd. 4; City Code Section 801.03.

2.2 Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Sec. 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's conformity with present and future land uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS

3.1 Based on the studies and reports of City Staff, comments and information presented at the public hearing on the Proposed Amendments, and information provided by the City Forester and other City staff, the Planning Commission of the City of Wayzata makes the following findings with respect to the Proposed Amendments:

1. The Proposed Amendments would not allow a use that would contravene any specific policies and provisions of the official City Comprehensive Plan.
2. The Proposed Amendments would only allow uses that conform to present and future land uses in the City right of way.
3. The Proposed Amendments would not allow uses that do not conform with the performance standards contained in the Zoning Ordinance (parking, loading, noise, etc.).

4. The Proposed Amendments would not allow uses that would have a negative impact on the areas in which they are proposed in that the Proposed Amendments would reasonably regulate and preserve, as permitted under applicable state and federal law, use in the City right of way.
5. The Proposed Amendments will not negatively impact upon property values in the City.
6. The Proposed Amendments will not allow any use that would have a negative impact traffic generation in the City.
7. The Proposed Amendments will not allow a use that would negatively impact existing public services and facilities and would provide a framework for needed telecommunications services in the City and other permitted and beneficial uses of the right of way.

Section 4. Recommendation

- 4.1 Proposed Amendments. Based on the Findings of this Report, the Planning Commission recommends approval of the Proposed Amendments, as set forth in the attachments to this Report.

Adopted by the Wayzata Planning Commission this 16th day of July, 2018.

Voting For Approval Recommendation: Buchanan, Flannigan, Murray, Plantan, Young
Voting Against Approval Recommendation: None
Abstaining: None
Absent: Douglas, Iverson

Attachment A

ORDINANCE NO. 781
AN ORDINANCE TO ADMINISTER AND REGULATE THE PUBLIC RIGHT-OF-WAY

DRAFT

CITY OF WAYZATA

ORDINANCE NO. 781

AN ORDINANCE TO ADMINISTER AND REGULATE THE PUBLIC RIGHT-OF-WAY

THE CITY OF WAYZATA ORDAINS:

Section 32 of Chapter 801 of the Wayzata City Code of Ordinances (Public Property / Rights-of-Way) and Chapters 306, 307, 308 and 315 of the Wayzata City Code are hereby repealed in their entirety, and are replaced by the following new Chapter 315 of City Code:

CHAPTER 315

RIGHT-OF-WAY MANAGEMENT

315.01 Election to Manage the Public Rights of Way. In accordance with the authority granted to the City under state and federal statutory, administrative, and common law, the City hereby elects, pursuant to this Chapter, to manage rights of way within its jurisdiction.

315.02 Definitions. The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7810.0100, subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this Chapter as if set out in full.

315.03 Prohibition; Permit Requirement.

- A. **Permit Required.** Except as otherwise provided in this Code, no person may obstruct, encroach upon, encumber, interfere with, or excavate any right of way or install or place facilities in the right of way without first having obtained the appropriate permit from the City.
 - 1. **Excavation Permit.** An excavation permit is required to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities or any other encroachment described therein, to the extent and for the duration specified therein.
 - 2. **Obstruction Permit.** An obstruction permit is required to hinder free and open passage over the specified portion of right of way by placing equipment, obstacles or any other encroachment described therein on the right of way, to the extent and for the

duration specified therein. An Obstruction Permit is not required if a person already possesses a valid Excavation Permit for the same project or the obstruction is permitted under an Encroachment Permit issued pursuant to this Chapter.

3. Small Wireless Facility Permit. A small wireless facility permit is required to place a new wireless support structure (collocate) in the right-of-way managed, with the exception that a permit is not required for the installation, placement, maintenance, operation, or replacement of micro wireless facilities suspended on cables strung between existing utility poles in compliance with national safety codes.
4. Small Wireless Conditional Use Permit. In addition to the provisions of this Chapter, a conditional use permit issued pursuant to Chapter 801 of this Code is required to install a new wireless support structure in a right-of-way where the underlying district is zoned as R-1, R-1A, R-2, R-2A, R-3, R-3A or any other single-family residential use or historic district established by federal or state law or City ordinance.
5. Encroachment Permit. An encroachment permit is required to construct and maintain the following structures and private improvements in the right of way.
 - a) “Awnings”, meaning awnings attached to the entryways or windows of buildings adjacent to the right of way.
 - b) “Private Improvements”, meaning permanent landscaping features, driveways, walkways, irrigation systems, pet containment systems, or other similar improvements constructed and maintained by owners of property adjacent to the applicable right of way.
 - c) “Structures”, meaning walls, fences, steps, staircases, driveway entrance monuments, signs, landscape walls, or other similar structures constructed and maintained by owners of property adjacent to the applicable right of way.

All other structures and private improvements not identified in Sections 315.03 Subd. A.5.a. through d, including but not limited to buildings or portions thereof, roof overhangs, building cantilevers and similar wall projections, shall not encroach into or upon the right of way.

6. Outdoor Sidewalk Café Permit. An outdoor sidewalk café permit is

required to operate an outdoor sidewalk café in the right-of-way where the underlying zoning district allows an outdoor sidewalk café as a permitted accessory use.

7. Landscaping Permit. A right of way landscaping permit is required to plant, trim, replace or otherwise impact any tree or other plantings in the right of way as described in such permit and to hinder free and open passage over the specified portion of the right of way by placing trees or any other plantings described therein.

B. **Exceptions.** The following are exceptions to the permit requirements of this Chapter:

1. Any activities undertaken by the City;
2. The displacement of snow and ice by snow and ice removal operations of the City, County or State;
3. The displacement of snow and ice from privately owned property, provided that such snow and ice are deposited only upon boulevards which are adjacent to and not separated by the traveled portion of the street from the private property from which the snow or ice is removed;
4. Vehicles lawfully parked on streets;
5. Trees and other plantings made by the City, provided that such plantings are approved by the City Forester;
6. Trees and other plantings on private property which overhang the traveled portion of streets or sidewalks, provided that no portion of such tree or planting is less than 16 feet above the traveled portion of the street or less than 8 feet above the sidewalk, provided such does not interfere with the use of the right of way, or present a health or safety issue, in the judgment of the Director of Public Works;
7. Privately owned bus stop benches and street furnishings and publicly owned bus stop shelters placed on streets, sidewalks and boulevards, subject to the written approval of the Director of Public Works as to location;
8. Newspaper vending machines and U.S. Postal Service drop boxes placed on sidewalks and boulevards, subject to the written approval of the Director of Public Works as to location;

9. Mailboxes subject to U.S. Postal Service standards, provided that mailboxes which are integral to a structure must be approved in writing by the Director of Public Works;
 10. Wires or cables installed by a public utility
- C. **Permit Extensions.** No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.
- D. **Delay Penalty.** In accordance with Minnesota Rule 7819.1000, subp. 3 and notwithstanding any other part of this Chapter, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.
- E. **Permit Display.** Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

315.04 **Permit Applications.** An application for a permit issued under this Chapter shall be complete only upon meeting all of the following requirements:

- A. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed location in the right of way, and the following information:
1. Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
 2. The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of Application.
 3. A certificate of insurance or self-insurance:
 - a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the City.

- b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the:
 - 1) Use and occupancy of the right of way by the permittee, its officers, agents, employees, and permittees, and
 - 2) Placement and use of facilities and equipment in the right of way by the permittee, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
 - c) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
 - d) Requiring that the City be notified thirty (30) days in advance of cancelation of the policy or material modification of a coverage term;
 - e) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.
- 4. A copy of the actual insurance policies.
 - 5. If the applicant is a corporation, a copy of the certificate required to be filed under Minnesota Statutes Section 300.06 as recorded and certified to by the Secretary of State.
 - 6. If applicable, a copy of the order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the applicant is lawfully required to have such certificate from said commission or other state or federal agency.
- B. A Small Wireless Facility Permit applicant may file a consolidated Small Wireless Permit Application to collocate up to 15 small wireless facilities provided that all the small wireless facilities in the application:

1. are located within a two-mile radius;
 2. consist of substantially similar equipment; and are to be placed on similar types of wireless support structures.
- C. Payment of money due the City for:
1. permit fees, estimated restoration costs and other management costs;
 2. any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;
 3. franchise fees, or other charges, if applicable;
 4. inspection fees, if applicable and if not included in the permit fee.

315.05 Review and Issuance of Permit; Conditions.

- A. **Application Review and Permit Issuance.**
1. Applications for Excavation Permits, Obstruction Permits, Small Wireless Facility Permits, Encroachment Permits for Awnings and Private Improvements, and Landscaping Permits shall be reviewed by the Director of Public Works. If the Director of Public Works determines that the applicant has satisfied the requirements of this Chapter, the City shall issue a permit. Denial of any application by the Public Works Director may be appealed by the applicant to the City Council within thirty (30) days of the date of denial.
 2. Applications for Small Wireless Conditional Use Permits, Encroachment Permits for Structures, and Outdoor Sidewalk Cafe Permits shall require the review and approval of the City Council.
- B. **Permit Conditions Generally.** The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes Section 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minnesota Rules, Chapter 7560.
- C. **Additional Excavation Permit Conditions.** In addition to the conditions for permits generally in Section 315.05.B, the excavation of any street or

public right of way shall be subject to the following conditions:

1. General Regulations. Street openings shall be made in a manner which will cause the least inconvenience to the general public. Provision shall be made for the safe passage of water along the gutters of any such street, and at least one-half of the traveled portion of any such street shall be left open and in good condition for the safe passage of vehicles. All open excavations shall be guarded with substantial barriers and shall be marked with bright flags during the daytime and with flashing lights at night. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent their freezing. All excavations shall be refilled as soon as possible after the work is completed, and the surface of any excavation shall be replaced in as good condition as before the excavation, to the satisfaction of the City Engineer. Any person or firm failing to comply with these regulations within twenty-four hours after notice from the City of such failure shall be liable for the full cost incurred by the City in remedying the failure, which cost shall become an obligation of the surety bond required herein.
2. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter. 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating as determined by the City.
3. Surety Bond. All applicants for an Excavation Permit, except for locally bonded plumbers or public utility companies, shall provide a security in the form of a bond, letter of credit or cash to insure that the holder will perform all work in connection with any such excavation in accordance with the ordinances and regulations applicable thereto, that the holder will indemnify and hold the City harmless from any and all damage or liability to others caused in the performance of such work, and that the holder will pay any and all costs either directly or indirectly suffered by the City due to failure of the holder to observe all ordinances and regulations applicable to such work or due to holder's negligence in the performance of such work.

- D. **Additional Small Wireless Facility Permit Conditions.** In addition to the conditions for permits generally in Section 315.05.B, the erection or installation of a wireless support structure, or the collocation of a small wireless facility, in the right of way shall be subject to the following conditions:

1. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
2. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the City's written authorization, and further provided that an applicant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
3. No wireless facility may extend more than 10 feet above its wireless support structure.
4. Where an applicant proposes to install a new wireless support structure in the right-of-way, the City may impose separation requirements between such support structures and any existing wireless support structure or other facilities in and around the right-of-way.
5. The applicant shall employ all reasonable methods of screening for all aboveground wireless facilities, including the use of stealth or camouflaged design to appropriately mask such facility. All small wireless facilities to be collocated on wireless support structures in and around the right-of-way shall be painted or repainted to precisely match the support structure or utility pole, the overall color scheme of which is subject to the City's discretion and approval. No visible text or printing shall be allowed on wireless facilities.
6. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose additional reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
7. Where an applicant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
8. The execution of a Small Wireless Facility Collocation Agreement that incorporates any additional terms and conditions mutually agreed upon by the City and the applicant. A small wireless facility collocation agreement is considered public data not on individuals

and is accessible to the public under Minnesota Statutes Section 13.03. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the City and applicant.

E. **Additional Conditions for Encroachment Permits.** In addition to the conditions for permits generally in Section 315.05.B, the following additional conditions shall apply to encroachment permits:

1. Awnings. The issuance of an encroachment permit for Awnings must comply with the following conditions:
 - a) The edge of the Awning must be set back a minimum of three (3) feet from the curb.
 - b) The Awning must have a minimum height of eight (8) feet measured from the sidewalk grade to the base of the structural support.
 - c) The Awning must have a minimum height of seven (7) feet measured from the sidewalk grade to the lowest part of the awning.
 - d) The property owner must agree to the following additional conditions:
 - 1) The property owner shall be responsible for the installation and maintenance of the Awning.
 - 2) The City will assume no responsibility for the Awning; the property owner shall be responsible for any and all damage to or caused by the Awning located in the right of way.
 - 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.
2. Private Improvements. The issuance of an encroachment permit

for Private Improvements must comply with the following conditions:

a) The determination by the Director of Public Works that the encroachment by the Private Improvement(s) will not adversely impact the City's current or future use of the right of way, which determination will be based on the following factors:

- 1) The impact the Private Improvement will have on snow plowing and snow storage;
- 2) The impact the Private Improvement will have on public safety, including traffic operations and pedestrian safety;
- 3) The impact of the Private Improvement will have on public land and public utilities.

b) The property owner must agree to the following additional conditions:

- 1) The property owner shall be responsible for the installation and maintenance of the Private Improvement.
- 2) The City will assume no responsibility for the Private Improvement; the property owner shall be responsible for any and all damage to or caused by the Private Improvement.
- 3) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the Director of Public Works determination that the revocation is in the City's best interest.

3. Structures. The issuance of an encroachment permit for Structures shall be subject to the following conditions:

a) The City Council must find that the encroaching Structure

meets all of the following conditions:

- 1) The Structure will not adversely impact the City's current or future use of the right of way.
 - 2) There are exceptional circumstances or conditions applying to the encroachment in question, which circumstances or conditions do not apply generally to other Structures or property within the City.
 - 3) Under the circumstances of the particular situation, the encroachment will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
- b) The property owner must agree to the following additional conditions:
- 1) The property owner must enter into a written agreement with the City setting forth the conditions of approval and the maintenance obligations for the encroaching Structure. The agreement must include a clause under which the property owner agrees to hold the City harmless from all liability, losses or injuries directly or indirectly resulting from the encroaching Structure.
 - 2) The City shall have the right to revoke the Encroachment Permit at any time upon sixty (60) days written notice to the property owner. Upon such revocation, the property owner shall remove the encroachment and restore the right of way to a condition that is consistent with the surrounding area. The City shall not exercise its right of revocation arbitrarily or capriciously, but it may do so upon the City Council's determination, in its absolute discretion, that the revocation is in the City's best interest.

F. **Additional Outdoor Sidewalk Café Conditions.** In addition to the conditions for permits generally in Section 315.05.B, the placement and operation of an outdoor sidewalk café in the right of way, shall be subject to the following conditions:

1. Functional Requirements.
 - a) Existing and/or proposed principal use shall conform to

existing City zoning regulations.

- b) Cafe shall be a minimum distance from a R-1, R-1A, R-2, R-2A, R-3, R-3A, and R-4 residential zoning district, unless the City Council determines that a lesser distance is acceptable that ensures the outdoor sidewalk cafe would not adversely impact the residential properties:
 - 1) 200 foot minimum for non-alcoholic cafes.
 - 2) 500 foot minimum for alcoholic establishments.
- c) Cafe area shall be limited to the public right-of-way abutting the lot front as defined by the Zoning Ordinance.
- d) Cafe area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, etc. Segregation device(s) must not cause destruction to the sidewalk or other elements within the public right-of-way.
- e) Minimum clear passage zone for pedestrians at the perimeter of the café shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, treegates, curbs, stairways, trash receptacles, street lights, parking meters, etc.
- f) Overstory canopy of tree/umbrellas extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
- g) All service aisles and walkways must be located within the enclosed area of the cafe. Service aisles must not occur from the minimum clear passage zone for pedestrians.
- h) Furniture and enclosed perimeter shall be movable to allow for seasonal changes.
- i) No storage of furniture on sidewalk shall be allowed between the months of October and April.
- j) No outside bar, cooking facility, food preparation, or holding area shall be located within the right of way.
- k) Any lighting used to illuminate the cafe area shall be so

arranged as to reflect the light away from the adjoining property and public streets or alleys, and be in compliance with the Zoning Ordinance.

- l) No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the cafe area.

2. Liability Requirements.

- a) The property owner, restaurant operator and the City shall enter into a hold harmless agreement, as provided by the City, exempting the City from all liability claims associated with the cafe use.
- b) Maintenance of public right-of-way, including landscaping, for which the cafe is located upon shall be the property owner's responsibility.
- c) Security of the cafe area shall be the responsibility of the property owner.
- d) Property owner shall pick up litter within one hundred (100) feet of the cafe on a daily basis.

3. Aesthetic Requirements.

- a) Furniture shall be washable, constructed of metal, plastic or other weather resistant materials and maintained in a safe and sanitary condition.
- b) Plant material shall be in containers to allow for movement.
- c) Annual/perennial flowers shall be used to enhance streetscape aesthetics.
- d) Canopies/umbrellas shall be used for summer sun protection subject to the provisions of the Zoning Ordinance.
- e) Trash receptacles matching the appearance and color scheme of other furniture shall be provided.
- f) Design of site furnishings and cafe layout shall be reviewed prior to installation by the City subject to the above provisions.

4. An Outdoor Sidewalk Cafe Permit approved by the City Council expires one year from the date of the Council approval. The applicant must submit an application annually for renewal of the Outdoor Sidewalk Cafe Permit.

G. Payment of Rent.

1. For collocations of small wireless facilities, the City can, either in its permit or in a standard collocation agreement, require annual rental payments for the small wireless collocations of up to:
 - a) \$150 per year for rent to collocate on the City structure.
 - b) \$25 per year for maintenance associated with the collocation.
 - c) A monthly fee for electrical service as follows:
 - 1) \$73 per radio node less than or equal to 100 maximum watts;
 - 2) \$182 per radio node over 100 maximum watts; or
 - 3) The actual cost of electricity if the actual cost exceeds the foregoing
2. For collocations or placements, other than of small wireless facilities, the City can charge a mutually agreed upon rent reached between the City and the applicant.

315.06 Timeline for Action on Permit Applications.

- A. **Denial in General.** The City may deny a permit for failure to meet the requirements and conditions of this Chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.
- B. **Procedure for Denial on Permits other than Small Wireless Facilities Permits.** The denial of a permit must be made in writing and must document the basis for the denial. The City must notify the applicant or right-of-way user in writing within three business days of the decision to deny a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the City and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City must approve or deny a resubmitted application within 30 days after such

application has been received by the City and deemed complete.

- C. **Procedure for Denial on Small Wireless Facilities Permits.** The City shall approve or deny a small wireless facility permit application within 60 days after receiving a complete application, including when the proposed collocation is on a support structure that already qualifies as an existing wireless tower or base station under Section 6409(a), codified at 47 U.S.C. 1455(a). The small wireless facility permit, and any associated building permit application, shall be deemed approved if the City fails to approve or deny a complete application within the 60-day review period established in this section.
- D. **Tolling of Deadline on Small Wireless Facility Permit.** The deadline for action on a small wireless facility permit application may be tolled if:
 - 1. The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days and shall inform the affected applicant in writing of such extension.
 - 2. The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have ten days to notify the applicant in writing of any still-missing information.
 - 3. The City and a small wireless facility applicant agree in writing to toll the review period.

315.07 Permit Fees.

- A. **Excavation Permit Fee.** The City shall establish an excavation permit fee in an amount sufficient to recover the following costs:
 - 1. the City management costs;
 - 2. degradation costs, if applicable.
- B. **Obstruction and other Permit Fees.** The City shall establish an obstruction and other permit fees in an amount sufficient to recover the City management costs.
- C. **Small Wireless Facility Permit Fee.** The City shall impose a one-time small wireless facility permit fee at the time of approval of the collocation

application in an amount sufficient to recover:

1. management costs;
2. restoration costs or degradation fee, if applicable;
3. inspection fees, if applicable;
4. city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

The City will not impose a small wireless facility permit fee for any of the following activities:

1. routine maintenance of a small wireless facility;
2. replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or
3. installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes.

- D. **Payment of Permit Fees.** No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within thirty (30) days of billing.
- E. **Non-Refundable.** Permit fees that were paid for a permit that the City has revoked for a breach as stated in Section 315.14 are not refundable.
- F. **Application to Franchises.** For right-of-way users subject to a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise, unless otherwise agreed to in the franchise.
- G. **Rules.** All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.1000, when applicable.

315.08 Right-of-Way Patching and Restoration.

- A. **Timing.** The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many

days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable.

- B. **Patch and Restoration.** Permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
1. **City Restoration.** If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.
 2. **Permittee Restoration.** If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.
 3. **Degradation Fee In lieu of Restoration.** In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.
- C. **Standards.** The permittee shall perform patching and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rule 7819.1100
- D. **Duty to correct defects.** The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee, upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five (5) calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.
- E. **Failure to Restore.** If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

315.09 Permit Limitations.

- A. **Limitation on Area.** A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area:
1. Submit an application for a permit extension and pay any additional fees required thereby; and
 2. be granted a new permit or permit extension.
- B. **Obstruction from Small Wireless Facility Work.** City will not require an additional small wireless facility permit fee or require a new collocation agreement for routine maintenance of a small wireless facility, for replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or for installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes. The City may require advance notification, however, of these activities if the work will obstruct the public right-of-way.
- C. **Limitation on Dates.** A right-of-way permit is valid only for the dates specified in the permit. For a Small Wireless Facility Permit, the term of the permit is equal to the length of time that the small wireless facility is in use, unless the permit is revoked under this section. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

315.10 Installation Requirements. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100, when applicable, and other local requirements, when applicable, and in so far as they are not inconsistent with the Minnesota Statutes Sections 237.162 and 237.163.

315.11 Inspection.

- A. **Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.
- B. **Site Inspection.** Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- C. **Authority of City.**
 - 1. At the time of inspection, the City may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well-being of the public.
 - 2. The City may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City that the violation has been corrected. If such proof has not been presented within the required time, the City may revoke the permit pursuant to Sec. 1.215

315.12 Work Done Without a Permit.

- A. **Emergency Situations.** Each person with facilities in the right-of-way shall immediately notify the City of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.
- B. **Non-Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees

required by this Code, deposit with the City the fees necessary to correct any damage to the right-of-way and comply with all the requirements of this Chapter.

315.13 Supplementary Notification. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the City of the accurate information as soon as this information is known.

315.14 Revocation of Permit.

- A. **Substantial Breach.** The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
1. The violation of any material provision of the right-of-way permit;
 2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 3. Any material misrepresentation of fact in the application for a right-of-way permit;
 4. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or
 5. The failure to correct, in a timely manner, work that does not conform to a condition of the permit
- B. **Written Notice of Breach.** If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit.
- C. **Procedural Requirements.** If the City decides to revoke the permit, the revocation must be made in writing and must document the basis for the revocation. The City must notify the right-of-way user in writing within three business days of the decision to revoke a permit.
- D. **Reimbursement of City Costs.** If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including

restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

315.15 Mapping Data.

- A. **Information Required.** If allowed by statute, each permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100.

- B. **Service Laterals.** Permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the City reasonably requires it. Permittees or their subcontractors shall submit to the City evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for:
 - 1. payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and
 - 2. City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The City shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

315.16 Location of Facilities.

- A. **Placement.** Placement, location, and relocation of facilities must comply with the Minnesota Statutes Sections 237.162 and 237.163, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

- B. **Corridors.** The City may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

- C. **Limitation of Space.** Subject to Minnesota Statutes Section 237.163, to protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City shall have the power to deny permits and the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

315.17 Damage to Other Facilities. When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the City shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the City's response to an emergency occasioned by that owner's facilities.

315.18 Right-of-Way Vacation. Vacation of any portion of a City street, highway and alley in the City shall be governed by City Charter and the notice and hearing requirements of Minnesota statutes for vacation of rights-of-way generally. At a minimum, notice of any proposed vacation shall be given to all owners of property (i) abutting the area to be vacated, and (ii) within 350 feet of the area to be vacated. If the City vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rule 7819.3200.

315.19 Indemnification and Liability. By applying for and accepting a permit under this Chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

315.20 Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the City waives this requirement.

315.21 Appeal. A right-of-way user that: (1) has been denied a permit; (2) has had permit revoked; or (3) believes that the fees imposed are invalid may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

315.22 Reservation of Regulatory and Police Powers. A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

315.23 Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2018.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

Attachment B

ORDINANCE NO. 782

AN ORDINANCE AMENDING WAYZATA CITY CODE CHAPTER 801 (ZONING ORDINANCE) PERTAINING TO USE AND MANAGEMENT OF CITY RIGHT OF WAY

DRAFT

CITY OF WAYZATA

ORDINANCE NO. 782

AN ORDINANCE AMENDING WAYZATA CITY CODE
CHAPTER 801 (ZONING ORDINANCE) PERTAINING TO USE AND MANAGEMENT
OF CITY RIGHT OF WAY

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Telecommunications Ordinance. Section 31 of Chapter 801 of the Wayzata City Code (Commercial Telecommunications Facilities and Residential Accessory Communication Devices) is hereby amended as follows (~~struck~~ text deleted, underlined text added):

- A. Section 801.31.2 is amended to add following definition as subpart “L” and subsequent definitions this section shall be relabeled as subparts “M” through “Q”.

L. **“Small Wireless Facility”** means:

(1) a wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than 6 cubic feet; and

(ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) a “**Micro Wireless Facility**” defined as a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

- B. Section 801.31.2.N shall be amended to read in its entirety as follows:

N. **“Telecommunications Facilities”** means any facility or location maintained by a commercial enterprise where a Small Wireless Facility, Telecommunications Equipment or a Telecommunications Tower is located.

C. Section 801.31.4.B shall be amended to read in its entirety as follows:

Conditional Use Permit.

Telecommunications Facilities, except for Small Wireless Facilities, which are subject to Section 315 of this Code, may not be located on any locations other than those that are designated in Section 801.31.4.A unless the Applicant first obtains a Conditional Use Permit for the Telecommunications Facility. The Telecommunications Facility must comply with the provisions of this section, and the provisions of Section 801.04.2.F of this Ordinance:

1. Telecommunications Towers shall be located only on the following parcels owned and/or controlled by the City of Wayzata:

<u>Property Name</u>	<u>Property Identification Number</u>
City of Wayzata Public Works Facility	01-117-23-22-0004
Wayzata West Middle School	06-117-22-22-0008

- a. The Telecommunications Tower and Antenna, including attachments other than lighting rods, shall not exceed 150 feet in height, measured from grade. The City Council may, but shall not be required to, increase the height up to 190 feet if the Council finds the increase in height would not have a significant visual impact, would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The City Council may waive this height limitation for a Telecommunications Tower and/or Antenna if used wholly or partially for essential public services, such as public safety.
 - b. The Telecommunications Tower shall use as many Stealth Design techniques as reasonably possible and include non-proprietary information on stealth design technology. Economic considerations or hardships shall not be the sole justification for failing to provide Stealth Design techniques.
2. Telecommunications Facilities or Equipment meeting the definition of “Small Wireless Facility” may be attached to an existing Public Utility Structure or otherwise installed within a right of way in accordance with Chapter 315 of this Code. Telecommunications Facilities or Equipment not meeting the definition of a “Small Wireless Facility” may

be attached to an existing Public Utility Structure within a right of way according to the following standards:

- a. The Antenna shall not extend more than fifteen (15) feet above the top of the existing Public Utility Structure.
- b. The Antenna shall be no larger than three (3) cubic feet and has no individual surface larger than four (4) feet.
- c. The Antenna shall not extend outward from the utility structure by more than three (3) feet.
- d. There shall be no ground mounted equipment as long as the existing Public Utility Structure is available for the mounting of such equipment.

Section 2. Amendments to Outdoor Sidewalk Café Provisions of Zoning Ordinance. Sections 78, 79 and 80 of Chapter 801 of the Wayzata City Code (C-4 Central Business District; C-4A Limited Central Business District; C-4B Central Business District) are hereby amended as follows (~~struck text deleted~~, underlined text added):

- A.** Subparts 4 (“Accessory Uses”) of Sections 801.76, 801.77, 801.78, 801.79 and 801.80 shall be amended to include the following new “accessory use”:

Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.

- B.** Subparts 5.H (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.78, Subparts 5.I (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.79, and Subparts 5.H (“Outdoor Sidewalk Cafes as a conditional accessory use”) of Section 801.80 shall be deleted in their entirety and subsequent subparts renumbered accordingly.

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2018.

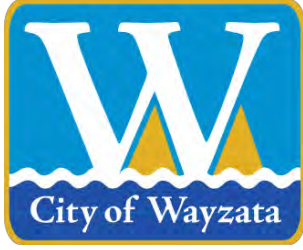
Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 16, 2018	AGENDA ITEM: 3c
TITLE: Adoption of Report and Recommendation of Approval of Variance for Albers Addition at 224 Broadway Ave N	
PROJECT NAME: Albers Addition	
ADDRESS: 224 Broadway Ave N	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The applicant and property owner, Steve Albers, has submitted a development application for the property at 224 Broadway Ave. N. The applicant is proposing to construct a two-story, 646 sf. addition to the existing single-family home. The development application requests approval of a variance for side yard setback from the northern property line.

Planning Commission Review

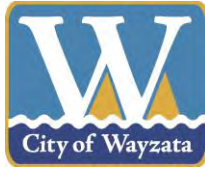
The Planning Commission reviewed the development application and held a public hearing at its meeting on June 18th. After discussing the application, the Planning Commission voted four (4) in favor and one (1) opposed to direct staff to prepare a Report and Recommendation of approval of the variance for adoption at the next Planning Commission meeting.

PLANNING COMMISSION ACTION:

City Staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application. The Report and Recommendation reflects the vote of 4-1, and includes the findings and conditions of approval discussed by the Planning Commission.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

July 16, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF A VARIANCE FOR ADDITION TO RESIDENCE AT 224 BROADWAY AVE N

SUMMARY OF RECOMMENDATION

- Approval* of Sideyard Setback Variance

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Applicant and property owner, Steve Albers, (the “Applicant”) has submitted a development application for a setback variance (the “Application”) to allow for a new two-story, 646 sf. addition to the existing single-family home as depicted on the plans included as Attachment A (the “Project”) that is a legal, non-conforming residence with respect to current setback requirements on the property at 224 Broadway Ave N. (the “Property”).
- 1.2 Application Request. The variance requested in the Application is for a setback of three point three (3.3) feet, a variance from the required ten (10) foot side yard setback in the applicable Zoning District (the “Setback Variance”).
- 1.3 Property. The address, property identification number and owner of the Property are:

224 Broadway Ave. N.	06-117-22-13-0090	Steven M Albers
----------------------	-------------------	-----------------

- 1.4 Land Use. The Property is zoned R-3A Single and Two Family Residential District, and is designated Low-Density Single Family Residential in the Comprehensive Plan.

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on June 7, 2018 and notices were mailed to all properties within 350 feet of the Property on June 6, 2018. The public hearing on the Application was conducted at the June 18, 2018 Planning Commission meeting. No one spoke at the public hearing.
- 1.6 Planning Commission Action. After the conclusion of the public hearing on the Application at the June 18, 2018 Planning Commission meeting, the Planning Commission voted unanimously to direct staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the Application.

Section 2. STANDARDS

- 2.1 Non-conforming Buildings. Non-conforming principal and accessory buildings may be expanded, enlarged or modified provided that the expansion, enlargement or modification meets the current zoning regulations and no other non-conformities are created. Sec. 801.15.2.B.1.
- 2.2 Side Yard Setback. The applicable building side yard setback in the R-3A District is ten (10) feet. Sec. 801.55.6.
- 2.3 Zoning Ordinance Variance Standard. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.

- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff reports, public hearing, and the standards set forth in the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact with respect to the Setback Variance:

3.1 Zoning Ordinance Variance Standard.

- A. The Setback Variance requested in the Application does not change the current single family residential use, overall hardcover surface, or current non-conforming setback of 3.3 feet, which is associated with the older residence on the Property. The Setback Variance requested is in harmony with the general purposes and intent of the Ordinance and is consistent with the Comprehensive Plan.
- B. The Setback Variance is to address the practical difficulty with the Property in terms of its size and shape, and will preserve the essential character of the locality.
- C. The Setback Variance requested is reasonable, due to circumstances driven by the existing lot and building layout, the old building orientation and desire to preserve the character of the residence. If granted, the Setback Variance would not alter the essential character of the locality in that the setback of the principal structure would not change, no significant

trees would be lost, and character of the building from the street would remain unchanged.

- D. The practical difficulties necessitating the Setback Variance are not economic in nature. The existing building and lot size and dimensions on the Property are significant factors in the practical difficulty of meeting the Ordinance requirements.
- E. The proposed use for the Property would not change and is permitted within the R-3A District.
- F. The recommended conditions for granting approval of the Setback Variance are listed below in Section 4 of this Resolution.
- G. The Applicant has provided the reasons that the Setback Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land, structures and buildings on the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of the Setback Variance as requested in the Application, subject to all of the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project.
- B. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 16th day of July 2018.

Voting For Approval Recommendation: Buchanan, Murray, Plantan, Young

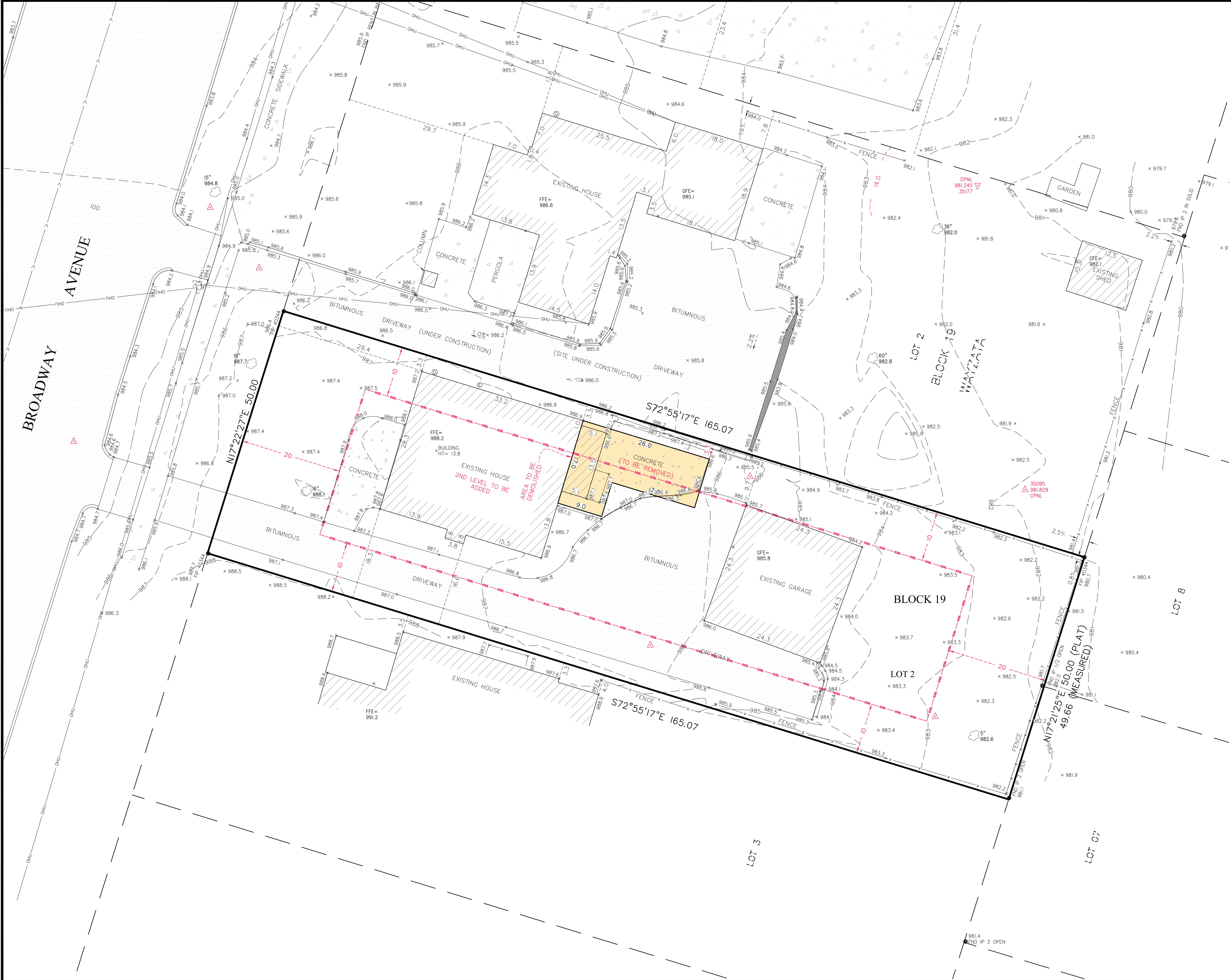
Voting Against Approval Recommendation: Flannigan

Abstaining: None

Absent: Douglas, Iverson

Attachment A
Plans

DRAFT



DESCRIPTION OF PROPERTY SURVEYED

Lot 2, Block 19, WAYZATA REVISED, according to the recorded plat thereof, Hennepin County, Minnesota.

- 1) **Site Address:** 224 Broadway Avenue North, Wayzata, Minnesota 55391
- 2) **Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0307F, effective date of November 4th, 2016.
- 3) **Parcel Area Information:** Gross Area: 8,253 s.f. ~ 0.189 acres
- 4) **Benchmark:** Elevations are based on top nut of hydrant at the Southeast corner of Broadway Avenue and Gardner Street which has an elevation of: 984.773 feet (NAVD88).
- 5) **Zoning Information:** The current Zoning for the subject property is R-3A (Single and Two Family Residential District) per the City of Wayzata's zoning map dated April 28th, 2015. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of December 11th, 2017 and are as follows:

Principal Structure Setbacks - Street(s): 20 feet (Broadway Avenue)
Side: 10 feet
Rear: 20 feet
Height: 32 feet
Hardcover: 35 percent of lot area

Accessory Structure Setbacks - Front: 20 feet
Side: 5 feet
Rear: 5 feet

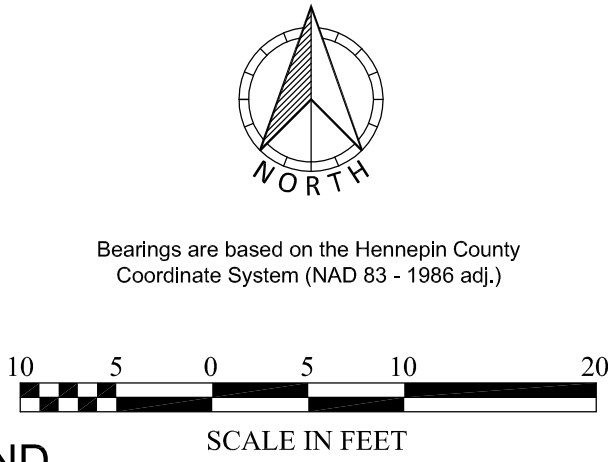
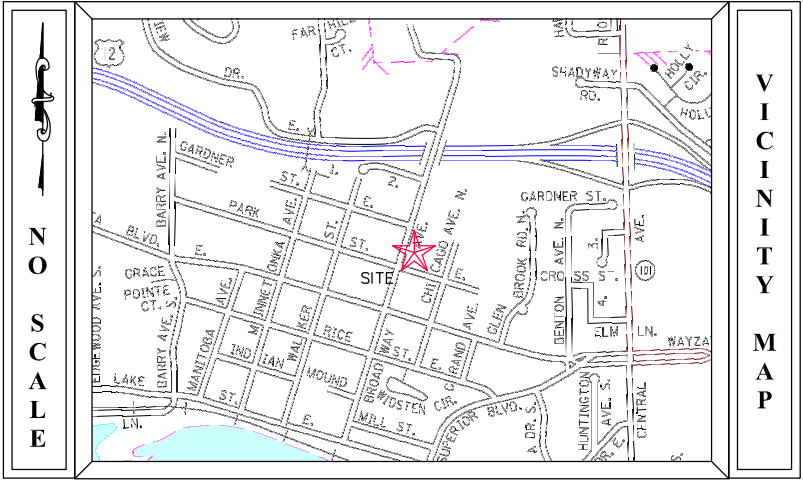
Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- 6) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

Existing Elevations
Garage Floor = 985.8
First Floor = 988.2

Existing Hardcover
Lot Area = 8,253 S.F.
House Area = 1,015 S.F.
Driveway Area = 1,936 S.F.
Garage Area = 590 S.F.
Concrete Area = 502 S.F.
Total Area = 4,043 S.F.
Coverage = 48.99%

Proposed Hardcover
Lot Area = 8,253 S.F.
House Area = 1,015 S.F.
House Area to be Demolished = -69 S.F.
Addition Area = 323 S.F.
Driveway Area = 1,936 S.F.
Driveway Area to be Removed = -12 S.F.
Garage Area = 590 S.F.
Concrete Area = 502 S.F.
Concrete Area to be Removed = -299 S.F.
Total Area = 3,986 S.F.
Coverage = 48.30%



SURVEY LEGEND

- | | | |
|-------------------------|-----------------------------|------------------------------|
| ● CAST IRON MONUMENT | WOE WALKOUT ELEVATION | BITUMINOUS |
| ⊠ CATCH BASIN | FFE FIRST FLOOR ELEVATION | — BUILDING SETBACK LINE |
| △ FLARED END SECTION | GFE GARAGE FLOOR ELEVATION | — CTV CABLE TV |
| ⊠ GATE VALVE | TOF TOP OF FOUNDATION ELEV. | — CONCRETE CURB |
| — GUY WIRE | LOE LOWEST OPENING ELEV. | — CONCRETE |
| ⊠ HYDRANT | — CABLE TV PEDESTAL | — CONTOUR EXISTING |
| ⊠ SURVEY MONUMENT SET | — ELECTRIC TRANSFORMER | — CONTOUR PROPOSED |
| ● SURVEY MONUMENT FOUND | — ELECTRIC MANHOLE | — GUARD RAIL |
| △ SURVEY CONTROL POINT | — ELECTRIC METER | — DT DRAIN TILE |
| ⊠ LIGHT POLE | — GAS METER | — ELC ELECTRIC UNDERGROUND |
| ⊠ POWER POLE | — GAS VALVE | — FENCE |
| ⊠ SANITARY MANHOLE | — HAND HOLE | — FO FIBER OPTIC UNDERGROUND |
| ⊠ SANITARY CLEANOUT | — SOIL BORING | — GAS GAS UNDERGROUND |
| — SIGN | — TREE CONIFEROUS | — OHU OVERHEAD UTILITY |
| ⊠ GROUND ELEVATION | — TREE DECIDUOUS | — RAILROAD TRACKS |
| ⊠ STORM DRAIN | — TELEPHONE MANHOLE | — SANITARY SEWER |
| ⊠ STORM MANHOLE | — TELEPHONE PEDESTAL | — STORM SEWER |
| ⊠ YARD LIGHT | — TRAFFIC SIGNAL | — TEL TELEPHONE UNDERGROUND |
| ⊠ A/C UNIT | — UTILITY MANHOLE | — UTL UTILITY UNDERGROUND |
| ⊠ WELL | — UTILITY PEDESTAL | — WATERMAIN |

FIELD CREW	NO.	BY	DATE	REVISION
JS	1	EMW	5/17/2018	PROPOSED CONDITIONS
DRAWN				
EMW				
CHECKED				
DBP				
DATE				
3-15-18				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Sated this 20th day of March, 2018.

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
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TWP:117-RGE-22-SEC.06
Hennepin County
**WAYZATA,
MINNESOTA**

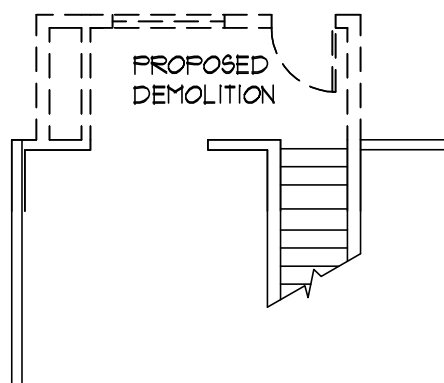
CERTIFICATE OF SURVEY

PREPARED FOR:
STEVE ALBERS

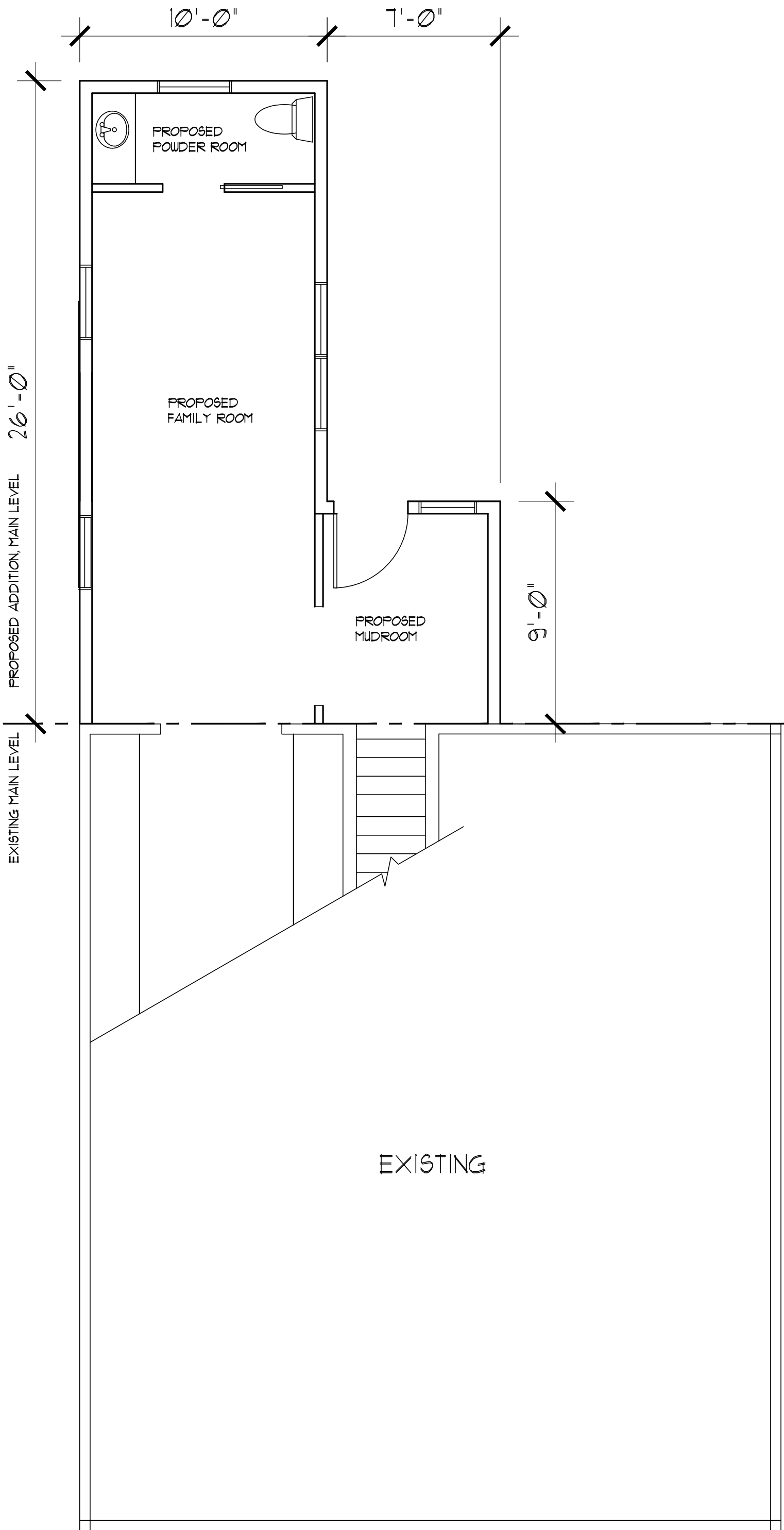
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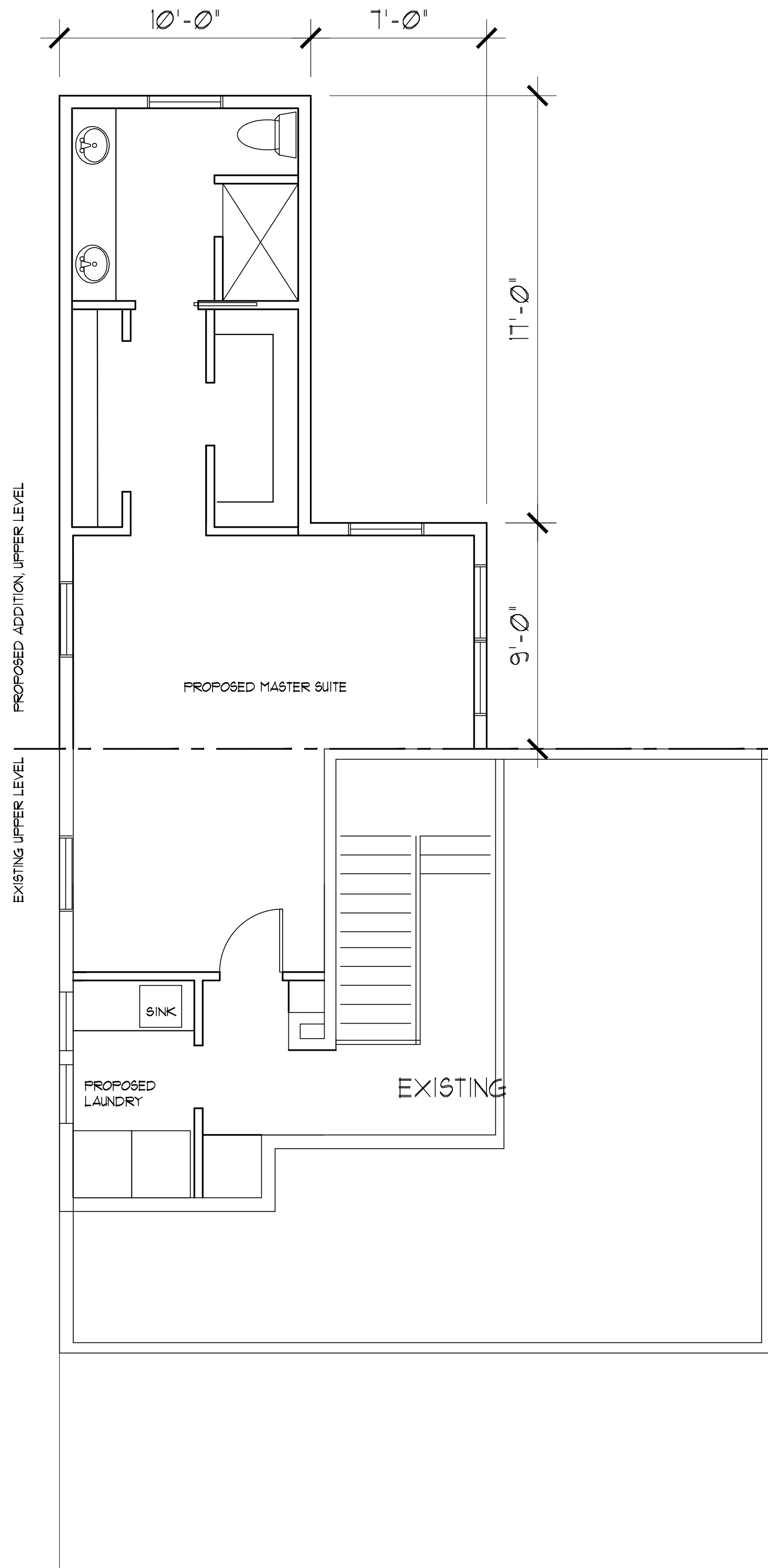
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1 Proposed Demolition Plan
SCALE: 1/8" = 1'-0"



2 Albers Proposed Addition, Main Level
SCALE: 1/4" = 1'-0"



3 Albers Proposed Addition, Upper Level
SCALE: 1/4" = 1'-0"

LOUISE BURTON DESIGN & DRAFT
612-823-5726
louiseburtondesigndraft@gmail.com

ALBERS RESIDENCE ADDITION

224 BROADWAY AVENUE NORTH, WAYZATA, MN

FLOOR PLANS

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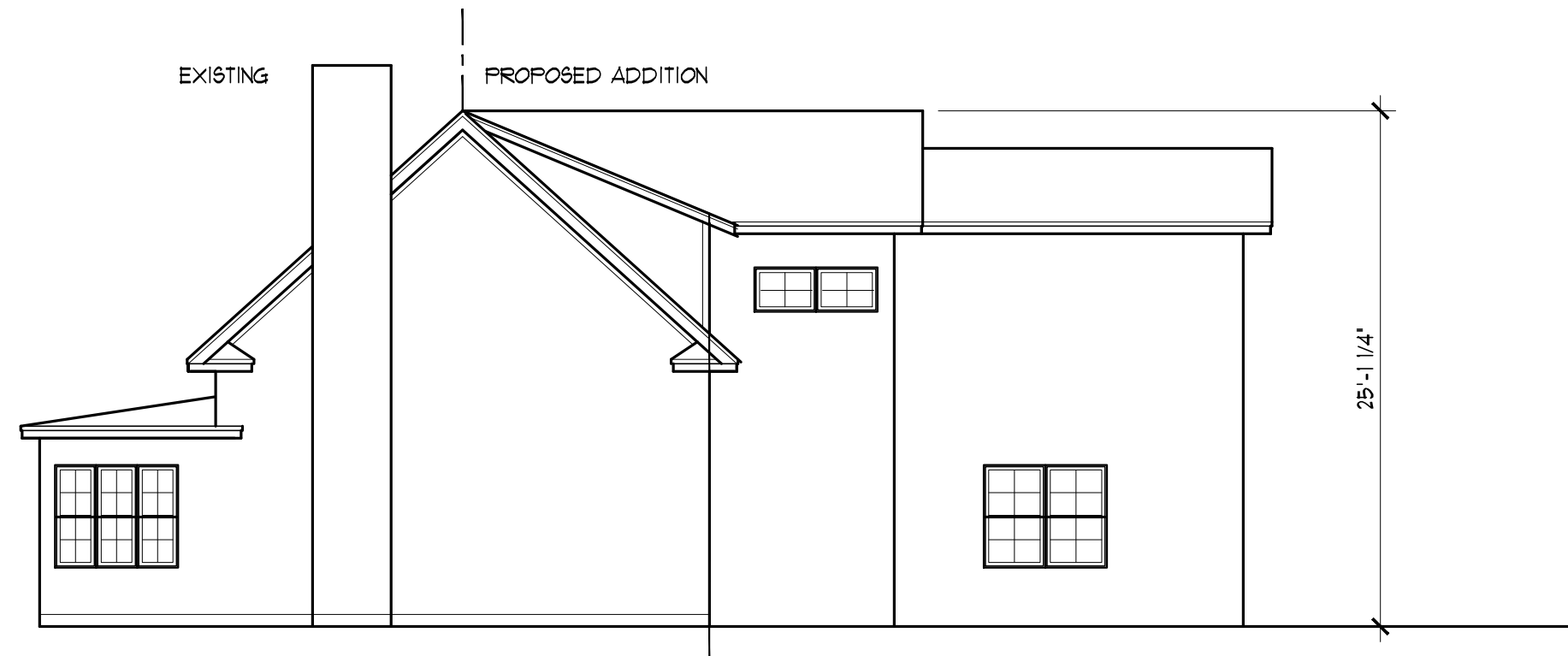
1 Schematic Design 5-10-18

DRAWN BY lb
DATE ISSUED xxxx
SCALE VARIES
JOB NO. AL1101
SHEET

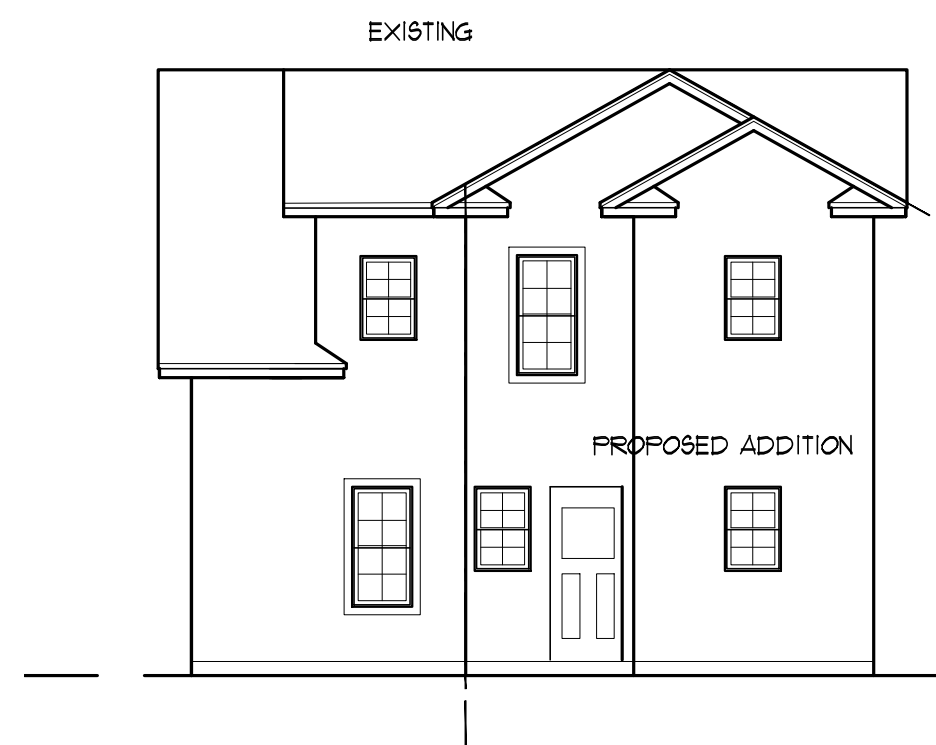
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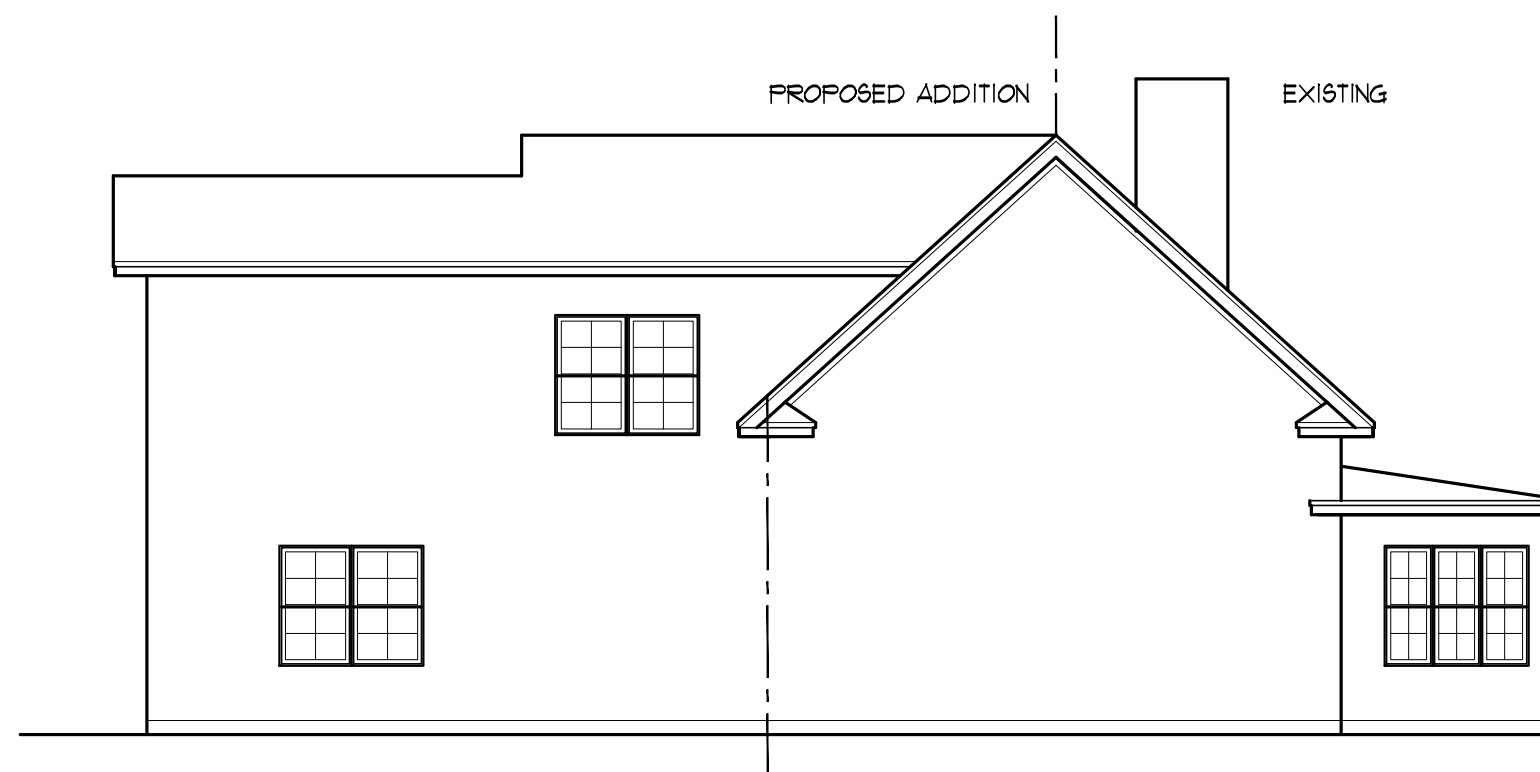
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A2 SCALE: 1/8" = 1'-0"



2 South Elevation
A2 SCALE: 1/8" = 1'-0"



3 Back Elevation
A2 SCALE: 1/8" = 1'-0"



2 South Elevation
A2 SCALE: 1/8" = 1'-0"



LOUISE BURTON DESIGN & DRAFT
612-823-5726
louiseburtondesigndraft@gmail.com

ALBERS RESIDENCE ADDITION

224 BROADWAY AVENUE NORTH, WAYZATA, MN

ELEVATIONS

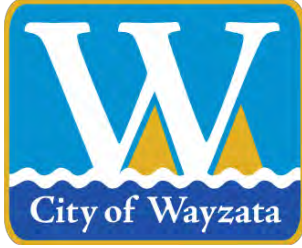
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1 Schematic Design 5-10-18

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DATE ISSUED xxxx
SCALE VARIES
JOB NO. A:1101
SHEET

A2



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 16, 2018	AGENDA ITEM: 3d
TITLE: Adoption of Report and Recommendation of Approval of PUD Amendment and Design Review for Broadway Place at 326 and 332 Broadway Ave S	
PROJECT NAME: Broadway Place	
ADDRESS: 326 and 332 Broadway Ave S	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, have submitted a development application to modify the previously approved redevelopment of the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S. The proposed modifications include connecting the previously approved three story mixed use building to the existing building on the site.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on June 18th. After discussing the application, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a Report and Recommendation of approval of the development application for adoption at the next Planning Commission meeting.

Additional Application Items

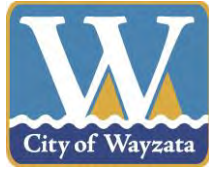
Since the last Planning Commission meeting, City staff has met with the applicant and determined that two additional applications will be needed – preliminary and final plat to combine the properties and a conditional use permit for shared parking. These two items will be brought back to the Planning Commission on July 30th.

PLANNING COMMISSION ACTION:

City Staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application. The Report and Recommendation reflects the vote of 5-0, and includes the findings and conditions of approval discussed by the Planning Commission.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

July 16, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF PUD AMENDMENT AND REVISED DESIGN FOR 326 AND 332 BROADWAY AVE S

SUMMARY OF RECOMMENDATIONS

1. Approval of Amendment to PUD *with conditions*
 2. Approval of Revised Design *with conditions*
-

REPORT

Section 1. BACKGROUND

- 1.1 Proposed Change to Previously Approved PUD. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (the "Applicant") have submitted a development application (the "Application") for approval of an amendment to an existing Planned Unit Development (the "Existing PUD") at 326 and 332 Broadway Ave S (the "Property"). The proposed redevelopment involves the demolition of the two existing commercial buildings on the Property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the "Project"). The requested amendment to the Existing PUD is to connect the previously approved new three story mixed use building to the existing building on the site. The proposed PUD Amendment would not include any other significant changes to the previously approved and Existing PUD, including to the general design, size, footprint, or height of the approved building and PUD plans. The PUD Amendment will require City Council action to vacate the public alley located between the new and existing buildings on the site.
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Amendment to the concept and general plans for the Existing PUD to connect the previously approved three story mixed use building to the existing building on the site, as depicted in the updated plans attached to this Report as Attachment A (the "PUD Amendment").

- B. Updated design of the Project, including one additional deviation from the Design Standards that relates to the recession of the second story of building (the “Deviation”), as depicted in the updated plans and the Design Critique attached to this Report as Attachment B (the “Updated Project Design”).

- 1.3 Property. The address, property identification number and owner of the parcel comprising the subject property (the “Property”) are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

- 1.4 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	PUD District
Comp Plan designation:	Central Business District
Overlay districts:	Shoreland
Design district	Lake Street District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on June 7, 2018, and mailed to all property owners located within 350 feet of the Property on June 6, 2018. The required public hearing was held at the June 18, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.
- B. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.

2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.

11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Design Standards.

- A. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" ("Attachment B").
- B. Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Section 3. FINDINGS

Based on the Application materials, staff reports, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 PUD Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. Intent and Purpose of PUDs. The Amended PUD would continue to encourage the following, as noted in the findings for approval of the Existing PUD:
 1. The conservation and more efficient use of land in the PUD.
 2. The preservation and enhancement of desirable site characteristics.
 3. A creative use of land and related physical development which allows a phased and orderly development and use pattern.

4. An efficient use of land resulting in smaller networks of walkways thereby lower development costs and public investments.
- C. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Report, which would continue to be met as with the Existing PUD. The PUD Amendment would allow for certain desirable efficiencies in design and layout by connecting to the existing building on the site. The PUD Amendment would not include any other changes (except as noted in the Report) to the previously approved and Existing PUD, including to other aspects of the design, size, footprint, or height of the approved building and PUD plans.
- 3.2 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviation. Any negative impacts of the Deviation are outweighed by one or more of the following factors:
1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
 3. The positive effect of the Project on the area in which the Project is proposed.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends the following, subject to the conditions noted below:

- 4.1 PUD Amendment. The request for approval of the PUD Amendment and Updated Project Design be **APPROVED**, subject to the following conditions:
- A. The Applicant continues to comply with all of the conditions of approval set forth in City Council Resolutions 32-2016 and 34-2017 which approved its original application for the Existing PUD. In addition, the Applicant must enter into a Development Agreement with the City, in a form acceptable to the City Attorney, for the public improvements constructed as part of the Project.
 - B. All expenses of the City of Wayzata related to the review of the Application, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 16th day of July 2018.

Voting For Approval Recommendation: Buchanan, Flannigan, Murray, Plantan, Young

Voting Against Approval Recommendation: None

Abstaining: None

Absent: Douglas, Iverson

Attachments:

Exhibit A: Amended PUD Plans

Exhibit B: Design Critique

Attachment A
Amended PUD Plans

DRAFT



701 Building Addition Wayzata Development



JIM BELTZ
May 18, 2018

701 Building Addition



701 Building Addition



701 Building Addition - Before & After



Mill Street Existing



Mill Street Proposed

701 Building Addition - Before & After



Broadway Existing



Broadway Proposed

1
PRES1

FIRST FLOOR PLAN

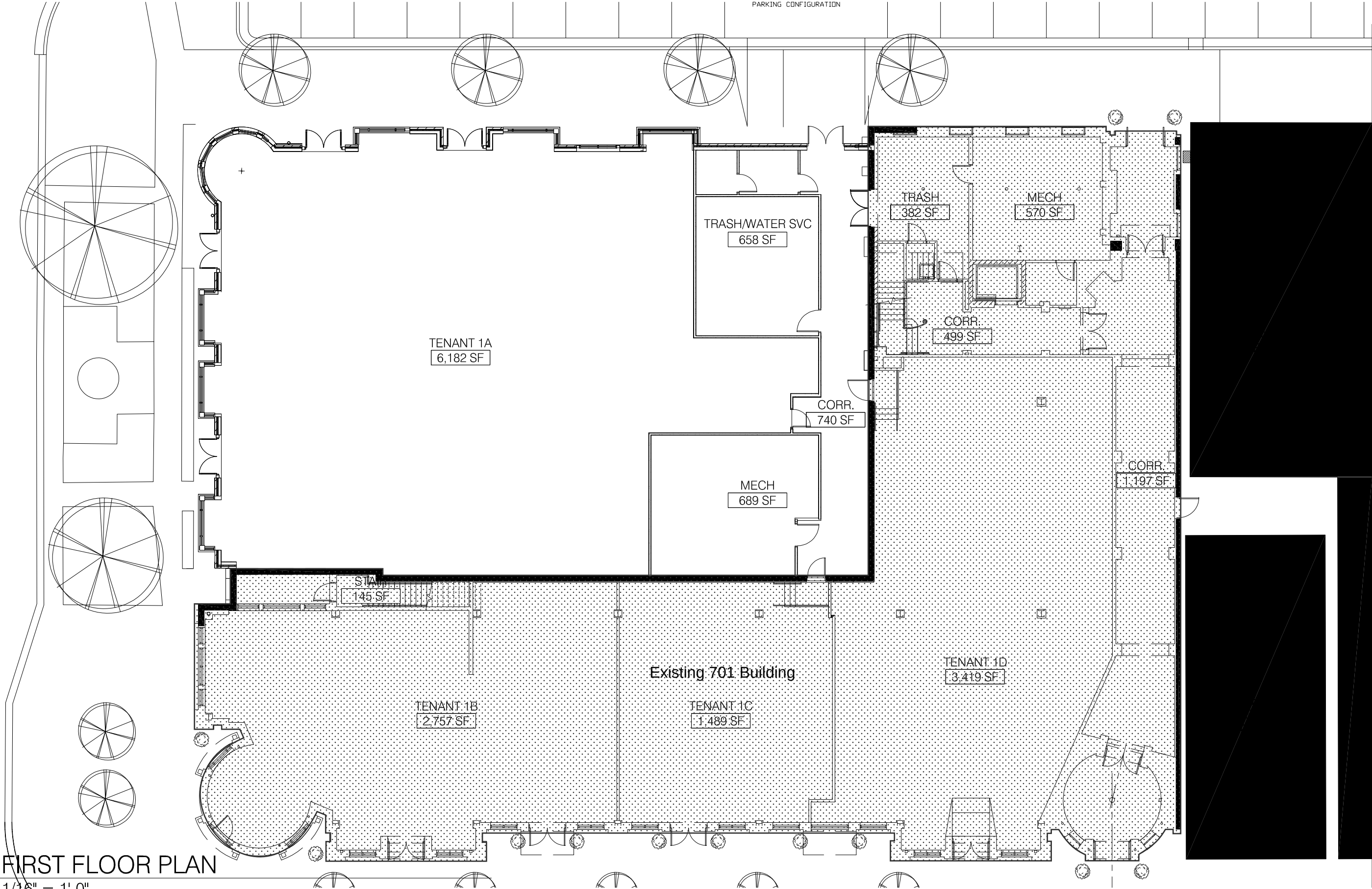
1/16" = 1'-0"

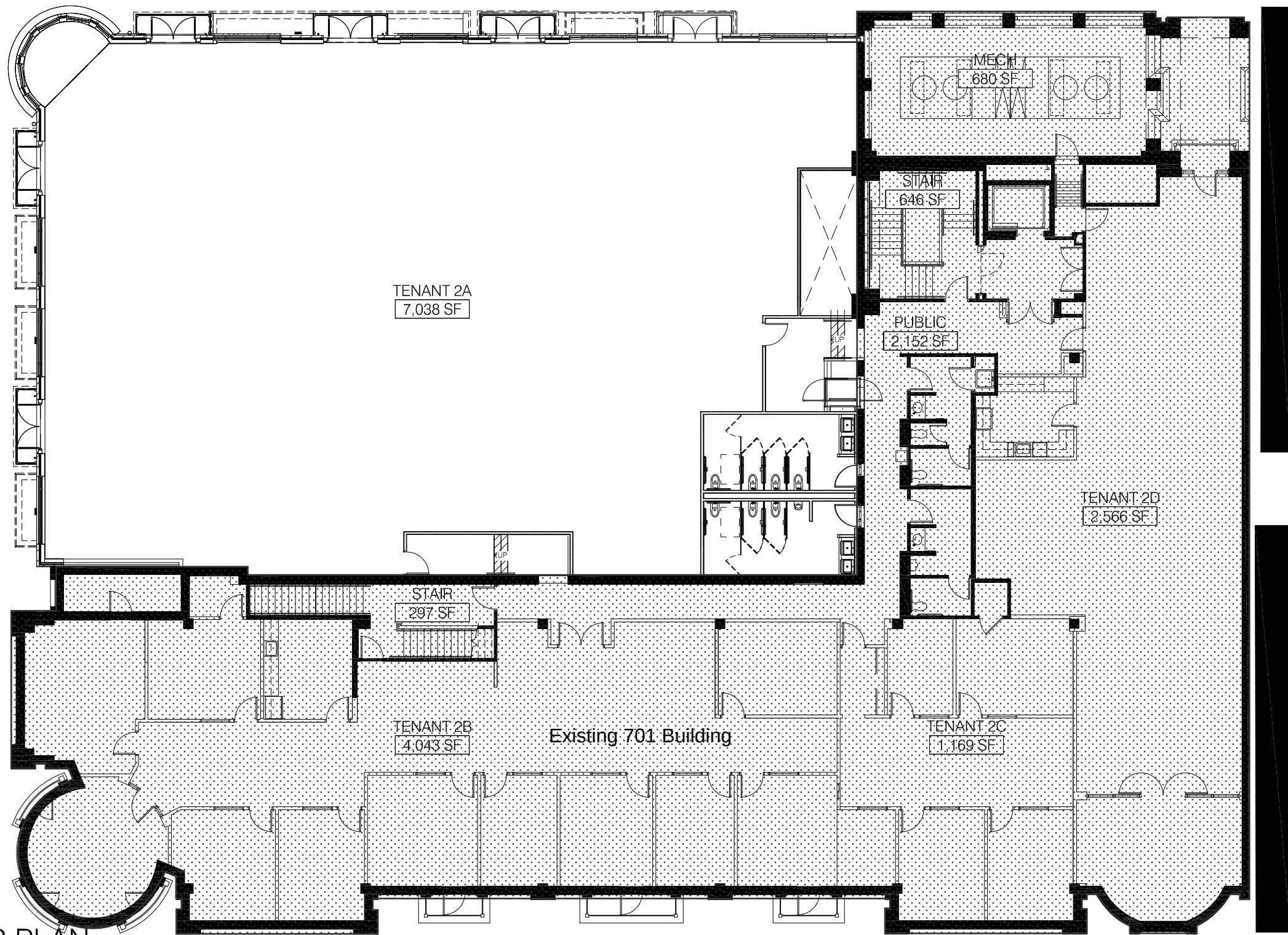


10 South Eighth Street
Minneapolis MN 55402
t 612_339_2257
sheadesign.com

701 BUILDING / BROADWAY PLACE ADDITION

7241.04





1
PRES2

SECOND FLOOR PLAN

1/16" = 1'-0"



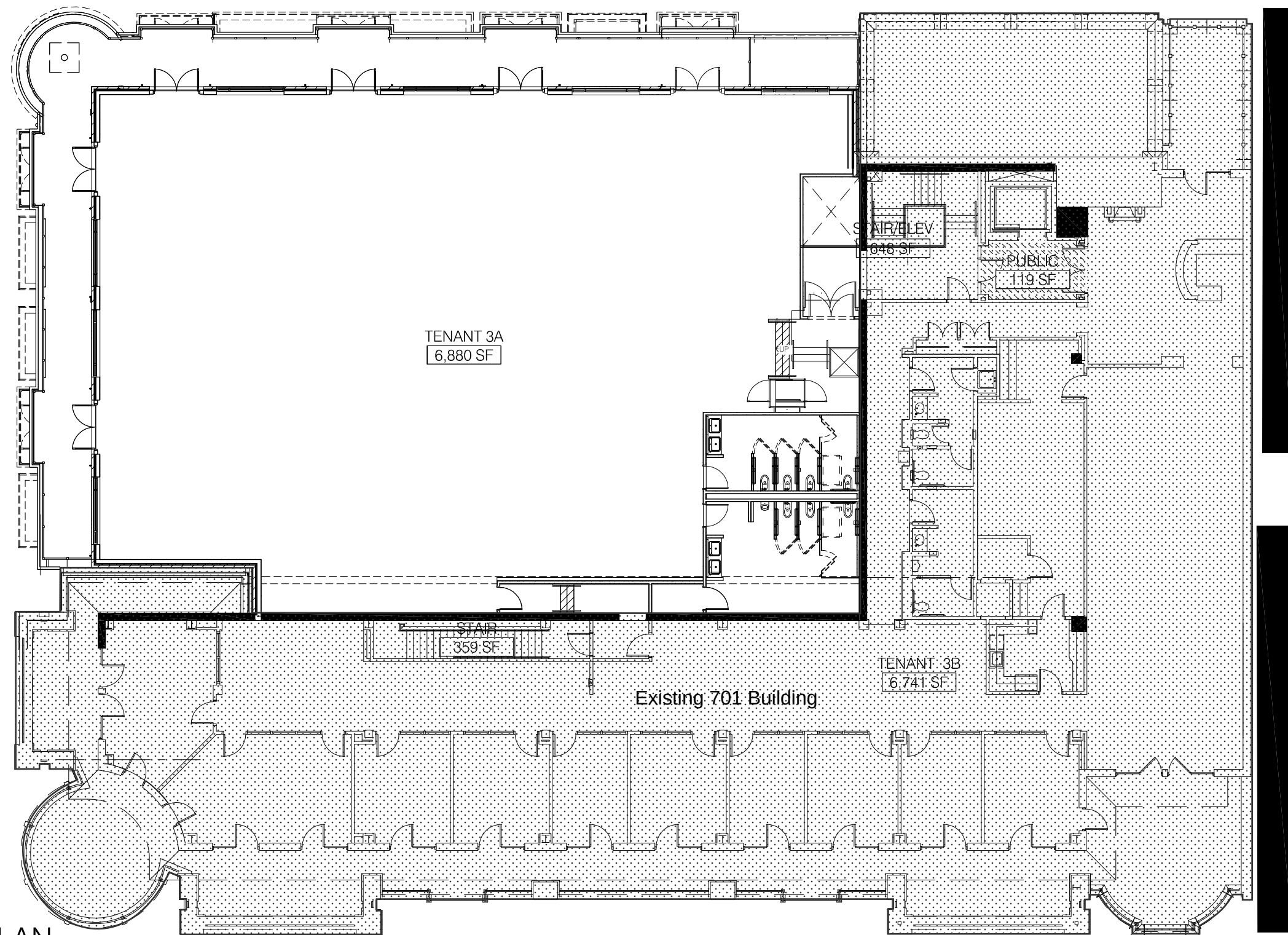
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701 BUILDING / BROADWAY PLACE ADDITION

7241.04

May 17, 2018

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1
PRES3

THIRD FLOOR PLAN

1/16" = 1'-0"



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701 BUILDING / BROADWAY PLACE ADDITION

7241.04

May 17, 2018
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2
PRES1
EXTERIOR ELEVATION, WEST
SCALE: 1/4" = 1'-0"



1
PRES1
EXTERIOR ELEVATION, NORTH
SCALE: 1/4" = 1'-0"

Attachment B
Design Critique

DRAFT

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

The Design Review Critique is based on the following plans submitted by the applicant:

1. Architectural Renderings prepared by Jim Beltz and dated May 18, 2018
2. Site Layout Plan prepared by hgA and dated May 18, 2018
3. Floor Plans prepared by Shea and dated May 17, 2018
4. Exterior Elevations prepared by Shea and dated May 18, 2018

	Comments	Compliance
Building Recesses		
<u>801.09.3.1.A – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level	The proposed building addition does not include any recesses or pilasters on the new portion of the façade facing Broadway. The existing façade does include recessed doors and windows to create dimension.	Yes
<u>801.09.3.1.B</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	An outdoor seating area is not proposed for the addition.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Building Width		
<u>801.09.4.1 All Districts – New Buildings</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements	The proposed building addition does not include variation in building setbacks, however the previously approved building does include a variety of window bay and door setbacks.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Upper Story Setbacks		
<u>801.09.5.1.A – All Districts – New Buildings</u> Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6) feet to the 2 nd story façade. The 3 rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story façade.	The building addition includes a 3 rd story step-back at the northwest corner of the building that was not included in the original design. The 3 rd story is recessed 10 feet.	Yes
<u>801.09.5.1.B – All Districts – New Buildings</u> The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	Changed from the original design, the 2 nd story is no longer recessed at all, except for the northwest corner.	Deviation Requested
<u>801.09.5.1.C – All Districts – New Buildings</u> Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The proposed building would comply with the maximum height requirement of the PUD zoning district. The building addition would not significantly impact wintertime sun orientation, solar access, or views from neighboring properties.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Roof Design		
<u>801.09.6.1 – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	The proposed building does not include any green roofs.	Not Applicable
<u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. <u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	No information provided on roof materials of addition.	Unknown
Screening of Rooftop Equipment		
<u>801.09.7.1 – Lake Street District</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.	The new addition does not include rooftop mechanicals, although a deviation from the design standards was approved for the original design for screened rooftop mechanical equipment.	Not applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Facade Transparency		
<u>801.09.8.1 – Lake Street District</u> No less than fifty percent (50%) of the ground level façade of any building fronting Lake Street shall be transparent glass. No less than twenty-five percent (25%) of the ground level side and rear façade facing a public right of way, parking area or open space shall be transparent glass.	The building addition does not front Lake Street, and does not include any transparency. However, appropriate percentages of the rest of the public-facing facades are transparent glass.	Yes
Ground Level Expression		
<u>801.09.9.1 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Not applicable
Entries		
<u>801.09.10.1 – All Districts</u> The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Not applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Building Materials and Quality		
<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The proposed addition will be brick, of the same type as the rest of the building.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.D – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.		The plans provided do not specify details to indicate whether or not the brick would meet these requirements, although no corners would be present on this addition.	Yes
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence		The proposed addition will be brick, of the same type as the rest of the building.	Yes
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.		The building addition does not include any exterior stone material.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Yes
<u>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	None of these elements are included in the new addition. However, the addition is only 5 feet wide which is not appropriate to incorporate elements such as these.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		The proposed building addition does not include any awnings.	Not Applicable
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.		The building addition does not include any balconies.	Not Applicable
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects		No glass is included in the proposed addition	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.11.1.L – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.	The proposed addition does not include a new entry.	Not Applicable
	Comments	Compliance
Franchise Architecture		
<u>801.09.12.1 – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801. 09.18 by the Planning Commission at the time of Design Standards Review application	The proposed building would not be franchise architecture.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Walkways		
<u>801.09.13.1 – Lake Street District</u> A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages. B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward. C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench. D. All sidewalk surfaces	A design standard deviation was granted for the original building addition for a 5-8.6' sidewalk along Broadway Avenue.	Yes

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Landscaping		
<u>801.09.14.1 – All Districts</u>		
A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.	There is no proposed change to landscaping on the site as a result of the proposed addition. The proposed plans do not include any changes to the existing streetscaping along Lake Street.	Not Applicable
B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.		
C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.		
D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09.14.2 – Lake Street District</u> A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.	The proposed plans do not include any changes to the existing streetscaping along Lake Street.	Not Applicable
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Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Parking Lot Landscaping		
<u>801.09.15.1 – All Districts</u> A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable
Surface Parking		
<u>801.09.16.1 – All Districts</u> A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
<u>801.09.16.2 – All Districts – Bicycle Parking</u> Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.	The proposed plans do not include any changes to the existing parking lot on the property.	Not Applicable
Parking Structures		
<u>801.09.17.1 – All Districts</u> Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.	There is no parking structure associated with the project.	Not Applicable

Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

	Comments	Compliance
Signs		
<u>801.09.18.1 – All Districts</u>		
A. Compatibility		
1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.		
2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.		
3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.		
4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.	There are no proposed changes to the signage on the property with this addition.	Not Applicable

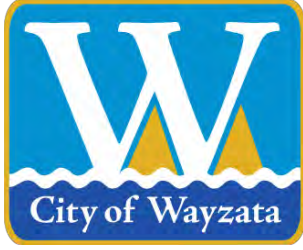
Design Review Critique

Broadway Place Addition – 701 Lake Street E.

June 11, 2018

<u>801.09-18.2 – Permitted Signs – Lake Street District</u> A. Lake Street District. Only the following types of signs are permitted in the Lake Street District: 1. Awning, canopy or marquee signs 2. Wall signs 3. Monument or ground signs 4. Projecting signs 5. Window signs (small accent signs) 6. Roof signs if located on pitched-roof buildings, below the peak of the roof	There are no proposed changes to the signage on the property with this addition.	Not Applicable
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	Comments	Compliance
Parking Lot and Building Lighting		
<u>801.09.19.1 – All Districts</u> A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.	The proposed plans do not include any changes to the existing parking lot on the property. The building addition does not include any lighting.	Not Applicable



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 16, 2018	AGENDA ITEM: 3e
TITLE: Adoption of Report and Recommendation of Approval of Interim Use Permit and Shoreland Impact Plan/Conditional Use Permit for Wayzata Bay Car Wash at 143 Lake St E	
PROJECT NAME: Wayzata Bay Car Wash	
ADDRESS: 143 Lake St E	
PREPARED BY: Jeff Thomson, Director of Planning and Building	

BACKGROUND:

Application Overview

The applicants and property owners, Bruce and Colleen Lea, have submitted a development application for the property at 143 Lake St E. The applicant is proposing to construct an approximately 762 sf. addition to the existing car wash. The development application requests approval of an interim use permit and a shoreland impact plan/conditional use permit.

Planning Commission Review

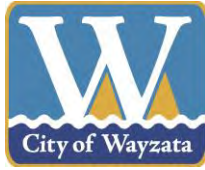
The Planning Commission reviewed the development application and held a public hearing at its meeting on June 18th. After discussing the application, the Planning Commission voted five (5) in favor and zero (0) opposed to direct staff to prepare a Report and Recommendation of approval of the development application for adoption at the next Planning Commission meeting.

PLANNING COMMISSION ACTION:

City Staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the development application. The Report and Recommendation reflects the vote of 5-0, and includes the findings and conditions of approval discussed by the Planning Commission.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation



WAYZATA PLANNING COMMISSION

July 16, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF INTERIM USE PERMIT AND SHORELAND IMPERVIOUS SURFACE CUP AT 143 LAKE ST E (WAYZATA BAY CAR WASH)

SUMMARY OF RECOMMENDATION

1. **Approval*** of Interim Use Permit for improvements and expansion to existing car wash
2. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Bruce and Colleen Lea, and owner of the Property listed below, (collectively, the "Applicant") have submitted a development application for the property at 143 Lake St E (the "Property") to construct approximately 762 square feet of additions and improvements to the existing car wash on the Property (the "Project").
- 1.2 Approvals Requested. The Application includes requests for approval of:
 - A. Interim Use Permit: An interim use permit to make improvements and expand the existing car wash on the property approximately 762 square feet as depicted in the plans on Attachment A (the "Interim Use").
 - D. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): A shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of 88.2%

- 1.4 Property. The address, property identification number and owners of the Property are:

Address	PID	Owner
143 Lake St. E.	06-117-22-23-0030	Wayzata Bay Car Wash Inc.

- 1.5 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	C4-A Limited Central Business District
Comp Plan	Central Business District
Overlay districts:	S/Shoreland Overlay District

- 1.6 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on June 7, 2018 and notices were mailed to all properties within 350 feet of the Property on June 6, 2018. The public hearing on the Application was conducted at the June 18, 2018 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Interim Uses. Existing car washes are an interim use in the C-4A Limited Central Business District. Section 801.79.3.A. Under Section 801.34 of the Zoning Ordinance, new interim uses require an interim use permit processed according to the standards and procedures for a conditional use permit, as established in Section 801.04 of the Zoning Ordinance and the following standards:

- A. Conforms to all zoning regulations as otherwise applicable.
- B. The date or event that will terminate the use can be identified with certainty.
- C. The existence of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- D. The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- E. Shall maintain harmony and compatibility with surrounding uses and with the architectural character and design standards of existing uses and development.
- F. Conforms with all performance standards contained in the Zoning Ordinances (i.e., parking, loading, noise, etc.).

- G. Shall have no detrimental effect upon the property values or the general health, safety, and welfare of the surrounding uses and property owners.
- H. Traffic generated by the use does not overburden or exceed the capabilities of streets and other public services and utilities serving the area.

2.2 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit pursuant to the criteria of Section 801.91, related to sediment control, water management, maintenance of landscaped features, and other shoreland management matters, and the general CUP criteria of Section 801.04.2.F. Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Interim Use Permit.

- A. The Interim Use conforms to all zoning regulations as otherwise applicable.
- B. As a condition of approval, the Interim Use shall terminate when the existing car wash interim use terminates.
- C. The existence of the Interim Use improving and expanding the existing interim car wash use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- D. In addition to the conditions recommended in this Report, City Council should consider any other conditions that it deems appropriate for permission of the Interim Use.
- E. The Interim Use would maintain harmony and compatibility with surrounding uses, and with the architectural character and design standards of existing uses and development.
- F. The Interim Use conforms with all performance standards contained in the Zoning Ordinances (i.e., parking, loading, noise, etc.) other than those for which a CUP is being sought.
- G. The Interim Use should have no detrimental effect upon the property values or the general health, safety, and welfare of the surrounding uses and property owners.
- H. Traffic generated by the Interim Use would not overburden or exceed the capabilities of streets and other public services and utilities serving the area.

3.2 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

- 1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.
- 2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

- 1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use is compatible with present and future uses of the area.
3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a CUP is requested.
4. The proposed expansion and associated uses will not have a negative effect upon the surrounding area.
5. The proposed expansion and associated use will not have a negative impact upon surrounding property values.
6. The proposed expansion and associated use will not increase traffic above capacity.
7. The proposed expansion and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) Interim Use Permit and (ii) Shoreland Impervious Surface CUP subject to the following conditions:

- A. The Interim Use Permit shall terminate when the existing car wash use on the Property ceases to operate for more than 30 days.
- B. Grading, Drainage, and Erosion Plans for the Project must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 16th day of July 2018.

Voting For Approval Recommendation: Buchanan, Flannigan, Murray, Plantan, Young

Voting Against Approval Recommendation: None

Abstaining: None

Absent: Douglas, Iverson

Attachment A
Plans

DRAFT



PROJECT GENERAL NOTES

ARCHITECTURAL

1. GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, (AIA DOCUMENT A201, CURRENT EDITION) IN ITS ENTIRETY, ARE PART OF THESE DOCUMENTS. ADDITIONAL NOTES WITHIN THESE DOCUMENTS ARE NOT MEANT TO OVERRIDE ANY PART OF A201. CONTACT ARCHITECT FOR A COPY OF A201, IF REQUIRED.
 2. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED PROJECT. UNLESS OTHERWISE INDICATED, THEY DO NOT INDICATE THE MEANS OR METHOD OF CONSTRUCTION.
 3. THE CONTRACTOR SHALL OBTAIN SUFFICIENT LIABILITY INSURANCE TO COVER WORKMAN'S COMPENSATION, GENERAL LIABILITY AND CONTRACTUAL LIABILITY. A COPY SHALL BE FILED WITH THE OWNER.
 4. THE CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS AS REQUIRED BY THE CONTRACT DOCUMENTS AND IN FULL ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
 5. THE CONTRACTOR WILL MAINTAIN BUILDER'S RISK INSURANCE ON THE FORM KNOWN AS "ALL RISK" OR "MULTIPLE PERIL". THE CONTRACTOR, ALL SUBCONTRACTORS, ARCHITECTS AND ENGINEERS SHALL BE INCLUDED IN EACH CAPACITY AS INSURED JOINTLY WITH THE OWNER IN ALL POLICIES.
 6. THE CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND FIELD CONDITIONS PRIOR TO ANY DEMOLITION, FABRICATION, CONSTRUCTION OR INSTALLATION & NOTIFY ARCHITECT IF CONDITIONS, MATERIALS, SIZES AND DIMENSIONS ARE DIFFERENT FROM THOSE SHOWN.
 7. CROSS REFERENCE ALL DIMENSIONS AND DETAILS WITH STRUCTURAL, CIVIL, MECHANICAL, AND ELECTRICAL DRAWINGS BEFORE COMMENCING ANY FABRICATION AND/OR CONSTRUCTION.
 8. CONTRACTORS SHALL INSTALL ALL MANUFACTURED ITEMS, MATERIALS AND EQUIPMENT IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDED SPECIFICATIONS, EXCEPT WHERE THE SPECIFICATIONS HEREIN, ARE MORE STRINGENT, AND SHALL BE COMPLIED WITH.
 9. MATERIALS WHICH ARE SHOWN ON THE DRAWINGS AND WHICH MAY NOT BE SPECIFICALLY IDENTIFIED BY THE SPECIFICATIONS OR DRAWINGS, SHALL BE FURNISHED BY THE CONTRACTOR AND SHALL BE SUITABLE FOR THE INTENDED USE. MATERIALS SHALL BE IN HARMONY WITH ADJACENT MATERIALS, AND SHALL BE SUBJECT TO REVIEW FOR CONFORMANCE WITH THE INTENT OF THE CONTRACT DOCUMENTS. WHERE INSTALLATION TECHNIQUES ARE NOT SPECIFIED, THEY SHALL BE IN ACCORDANCE WITH MANUFACTURER'S CURRENT INSTRUCTION AND INDUSTRY STANDARDS.
 10. SHOP DRAWINGS PREPARED BY SUPPLIERS, SUBCONTRACTORS, ETC. SHALL BE REVIEWED, COORDINATED AND SIGNED AND STAMPED BY GENERAL CONTRACTOR PRIOR TO SUBMITTING TO THE ARCHITECT/ENGINEER.
 11. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS, LICENSES AND CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH THE ABOVE REFERENCED PROJECT.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE TO PREPARE ALL SURFACES FOR PROPER INSTALLATION OF FINISHES. THIS IS TO INCLUDE, BUT IS NOT LIMITED TO: PATCHING, SANDING, FLOOR LEVELING, PRIMING, SEALING, SKIM COATING, ETC.
 13. THE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM WASTE MATERIAL OR RUBBISH CAUSED BY THE WORK.
 14. THE CONTRACTOR SHALL MINIMIZE ANY DAMAGE TO EXISTING CONSTRUCTION AND AREAS ON THE SITE OUTSIDE OF THE CONSTRUCTION LIMITS. CONTRACTOR TO CONSTRUCT TEMPORARY WALLS AND BARRIERS AS REQUIRED TO CONTAIN DUST AND DEBRIS AND TO PROVIDE SAFE PUBLIC ACCESS AND PASSAGE.
 15. THE GENERAL CONTRACTOR SHALL LOCATE ALL NEW MECHANICAL UNITS OR RELOCATE ANY EXISTING UNITS OR ITEMS THAT CONFLICT WITH NEW OR EXISTING FRAMING AND FULL HEIGHT WALLS. THIS INCLUDES ACCESS FOR ALL CONTROLS, FILTERS, ETC. THIS WORK MUST BE COORDINATED AND VERIFIED PRIOR TO BIDDING.
 16. THE GENERAL CONTRACTOR SHALL COORDINATE AND VERIFY WITH THE RESPECTIVE TRADES THE SIZES AND LOCATIONS OF MECHANICAL AND/OR ELECTRICAL PENETRATIONS, LOCATIONS OF FIRE TREATED BACKING/BLOCKING REQUIRED FOR MOUNTING ELECTRICAL AND/OR MECHANICAL EQUIPMENT, AS WELL AS CUTTING AND PATCHING FOR WORK REQUIRED BY MECHANICAL/ELECTRICAL.
 17. WHEN WORK IS COMPLETED IN AN AREA, THOROUGHLY CLEAN THE SPACES, ITEMS & SURFACES OF SOIL, WASTE MATERIAL, SMUDGES, SPATTERS, MISAPPLIED MATERIAL, SPOTS, STAINS, AND THE LIKE, WITHOUT DAMAGING THE MATERIALS AND SURFACES INVOLVED.
 18. PROVIDE SEMI RECESSED FIRE EXTINGUISHERS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES UNLESS NOTED OTHERWISE.
 19. ALL DOORS, FRAMES, HARDWARE, LIGHTING AND CEILING MATERIALS ARE TO FOLLOW BUILDING STANDARDS UNLESS OTHERWISE NOTED.
 20. PROVIDE FIRE TREATED BLOCKING IN WALLS AS REQUIRED FOR INSTALLATION OF MILLWORK, FURNITURE AND ACCESSORIES.
 21. THE GENERAL CONTRACTOR IS TO VERIFY BUILDING STANDARDS WITH BUILDING MANAGER. ALL HARDWARE SETS AND KEYING TO BE COORDINATED WITH BUILDING MANAGERS.
 22. ALL INTERIOR GLASS MUST COMPLY W/ APPLICABLE CODES FOR DESIGN LOADS & SAFETY GLAZING.
 23. ALL MATERIALS USED IN PLENUM AREAS MUST BE NON-COMBUSTIBLE AND / OR LISTED FOR PLENUM USE AS DEFINED BY THE STATE & LOCAL CODES. IT WILL BE THE CONTRACTORS RESPONSIBILITY TO ADHERE TO THESE REQUIREMENTS.
 24. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE TO FIRE CAULK ALL NEW AND EXISTING PENETRATIONS WITHIN WALL PARTITIONS, ABOVE THE CEILING, AS INDICATED BY THE APPLICABLE CODES.
 25. DEFERRED SUBMITTALS: DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OF RECORD AND WILL BE REVIEWED FOR GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. SUBMITTALS FOUND TO BE IN CONFORMANCE WITH THE DESIGN INTENT WILL BE STAMPED AS REVIEWED AND FORWARDED TO THE AUTHORITY HAVING JURISDICTION. ITEMS NOT KEEPING WITH MIN CODE SECTION 1300.03 SUBSECTION 9B. SUBMITTALS NOT FOUND IN CONFORMANCE WITH THE DESIGN INTENT WILL BE RETURNED TO THE CONTRACTOR FOR REVISION AND RESUBMITTAL. REVISED DOCUMENTATION WILL BE REVIEWED BY THE ARCHITECT OF RECORD PRIOR TO ACCEPTANCE AND SUBMISSION TO THE AUTHORITY HAVING JURISDICTION.
- DEFERRED SUBMITTALS INCLUDE THE FOLLOWING:
- A. MECHANICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - B. PLUMBING DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - C. ELECTRICAL DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - D. FIRE SUPPRESSION DRAWINGS (PREPARED BY DESIGN-BUILD CONTRACTOR)
 - E. STRUCTURAL STEEL
 - F. STEEL JOIST AND DECKING

PROJECT GENERAL NOTES CONTINUED

FINISHES

1. THE CONTRACTOR SHALL PATCH AND REPAIR ANY AND ALL FLOORS, WALLS, CEILINGS, ETC. IN A WORKSMANSHIP-LIKE MANNER TO MATCH THE SURROUNDING SURFACE AREAS. SURFACES OR MATERIALS DAMAGED BY DEMOLITION OR CONSTRUCTION SHALL BE REPAIRED, RESTORED AND REFINISHED TO MATCH THE EXISTING, UNLESS NOTED OR OTHERWISE SPECIFIED. IN ADDITION THOSE EXISTING SURFACES OR MATERIALS (SERVING AS A SUBSTRATE FOR NEW MATERIALS OR FINISHES) WHICH HAVE BEEN DAMAGED FROM ANY CAUSE, SHALL BE REPAIRED, RESTORED, PROPERLY PREPARED AND CLEANED TO RECEIVE THE NEW MATERIALS AND FINISH WORK. ALL NEW MATERIALS & FINISH WORK TO BE FREE FROM FLAWS & DEFECTS.
 2. PATCH AND REPAIR EXISTING FLOOR SLAB AS REQUIRED FOR A SMOOTH AND LEVEL SURFACE FREE OF DEFECTS. FILL ALL CRACKS AND HOLES AND LEVEL DEPRESSIONS WITH MATERIALS COMPATIBLE WITH THE FLOOR AND SLAB AS RECOMMENDED BY THE FLOORING MANUFACTURER.
 3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING LEAD TIMES OF ALL MATERIALS SUCH THAT MATERIALS ARE ON SITE WHEN REQUIRED FOR INSTALLATION.
 4. ALL PREPARATION, STORING, INSTALLATION AND CLEANUP OF FINISHES TO CONFORM TO MANUFACTURER'S SPECIFICATIONS.
 5. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR TESTING THE CONCRETE SUBFLOOR FOR MOISTURE PRIOR TO FLOORING INSTALLATION. THE FLOORING SUBCONTRACTOR IS RESPONSIBLE FOR CONDUCTING MOISTURE TEST RESULTS AND INSTALLING FLOORING PER MANUFACTURER'S SPECIFICATIONS.
- MECHANICAL**
1. THE MECHANICAL CONTRACTOR IS TO DESIGN ALL MECHANICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. MECHANICAL DOCUMENTS ARE TO BE PROVIDED BY THE MECHANICAL CONTRACTOR AND SIGNED BY A PROFESSIONAL ENGINEER AS REQUIRED BY CODE. THE MECHANICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED MECHANICAL ARTIST'S DRAWING DOCUMENTS. THE DESIGN IS TO BE REVIEWED BY THE TENANT PRIOR TO IMPLEMENTATION.
 2. THE MECHANICAL CONTRACTOR IS RESPONSIBLE TO PROVIDE ALL NECESSARY MECHANICAL EQUIPMENT AND CONTROLS TO COMPLETE THE JOB. THE MECHANICAL CONTRACTOR IS TO COORDINATE W/ THE ELECTRICAL CONTRACTOR ALL THE NECESSARY WIRING TO COMPLETE THE JOB. THE WIRING IS TO BE COMPLETED BY THE ELECTRICAL CONTRACTOR.
 3. PROVIDE WHITE SEMI RECESSED SPRINKLER HEADS W/ WHITE TRITRUM RING @ ALL CEILING AND FULLY RECESSED SPRINKLER HEADS W/ WHITE ESCUTCHION PLATES @ ALL GY. CEILING AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
 4. VERIFY LOCATION AND SIZES OF ALL OPENINGS WITH GENERAL CONTRACTOR PRIOR TO COMMENCING WORK. THE GENERAL CONTRACTOR IS RESPONSIBLE TO CUT & PATCH OR ADD STRUCTURAL REINFORCING AS REQ'D FOR THE INSTALLATION OF MECHANICAL ROOFTOP EQUIPMENT.
 5. ALL SINKS SHALL HAVE HOT AND COLD WATER WITH BELOW COUNTER PIPE INSULATION WRAP ON EXPOSED PIPING PER ADA GUIDELINES.
 6. PROVIDE AND INSTALL AN APPROPRIATE SIZED WATER HEATER AS REQUIRED.
 7. THE PLUMBING CONTRACTOR MUST PROVIDE A CLEAN-OUT PLAN FOR REVIEW AND APPROVAL BY THE ARCHITECT BEFORE PLUMBING LINES ARE INSTALLED.

ELECTRICAL

1. THE ELECTRICAL CONTRACTOR IS TO DESIGN ALL ELECTRICAL SYSTEMS AND OBTAIN NECESSARY PERMITS. THE ELECTRICAL DESIGN IS TO BE COORDINATED WITH THE ATTACHED ARCHITECTURAL CONSTRUCTION DOCUMENTS. THE ELECTRICAL DESIGN IS TO BE REVIEWED BY THE ARCHITECT OF RECORD AND TENANT PRIOR TO IMPLEMENTATION.
2. THE ELECTRICAL CONTRACTOR IS TO COORDINATE THE INSTALLATION OF ALL MECHANICAL EQUIPMENT AND TO PROVIDE DISCONNECT AND POWER WIRING FOR ALL MECHANICAL EQUIPMENT.
3. THE ELECTRICAL CONTRACTOR IS TO PROVIDE EXIT AND EMERGENCY LIGHTS AS REQUIRED BY APPLICABLE CODES AND ORDINANCES.
4. THE ELECTRICAL CONTRACTOR IS TO PROVIDE SMOKE DETECTION AND ALARM DEVICES AND WIRING OF THE SPACE AS REQUIRED BY APPLICABLE CODES AND ORDINANCES FOR THE INTERIOR BUILD-OUT SPACE.
5. THE ELECTRICAL CONTRACTOR SHALL INSTALL JUNCTION BOXES W/ PULL STRING FOR ALL VOICE / DATA AND PHONE LOCATIONS. THE TENANT IS TO COORDINATE & PROVIDE ALL LOW VOLTAGE CABLING AND COVER PLATES AS REQUIRED.
6. NEW ELECTRICAL OUTLETS ARE SHOWN AT APPROXIMATE LOCATIONS. NO OUTLETS ARE TO BE BACK TO BACK.
7. ALL UNDER CABINET LIGHTING IS TO BE CONTROLLED BY A WALL SWITCH.
8. THE REFLECTED CEILING PLAN IS FOR REFERENCE ONLY REGARDING LOCATION, QUANTITIES, AND TYPES OF LIGHT FIXTURES. THE REFLECTED CEILING PLAN REFERENCES LIGHT FIXTURE TYPES. HOWEVER THE ELECTRICAL CONTRACTOR IS RESPONSIBLE TO VERIFY THE FIXTURE TYPE, APPROPRIATE FOOTCANDLES AND VOLTAGE REQUIREMENTS OF ALL SPECIFIED LIGHT FIXTURES IN ASSOCIATION W/ THE SPECIFIC SITE CONDITIONS AND PROVIDE SHOP DRAWINGS FOR REVIEW & APPROVAL PRIOR TO THE ORDERING OR INSTALLATION OF ANY FIXTURES.

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION, AND
THAT I AM A DULY LICENSED ARCHITECT UNDER
THE LAWS OF THE STATE OF MINNESOTA.

TODD MOHAGEN, AIA, NCARB
REGISTRATION NUMBER: 18074

CLIENT APPROVAL

AS A REPRESENTATIVE OF

I ACCEPT AND APPROVE THE INFORMATION PRESENTED
IN THIS DRAWING SET AS A REPRESENTATION OF OUR
DESIGN INTENT. SHOULD OWNER INITIATE CHANGES
THAT RESULT IN REVISIONS AND/OR MODIFICATIONS
ADDITIONAL DESIGN SERVICE FEES WILL BE CHARGED.

TITLE:

APPLICABLE CODES

INTERNATIONAL BUILDING CODE (IBC)	2012
AMENDMENTS IN MSBC: CHAPTER 1300	2015
AMENDMENTS IN MSBC: CHAPTER 1341	2015
AMENDMENTS IN MSBC: CHAPTER 1307	2015
INTERNATIONAL FIRE CODE (IFC)	2012
INTERNATIONAL MECHANICAL AND FUEL GAS CODE	2012
AMENDMENTS IN MSBC: CHAPTER 1346	2015
STATE BUILDING CODE (MSBC)	2015
MN PLUMBING CODE	2015
MN ENERGY CODE	2015
ASHRAE 90.1-2010 COMPLIANCE PATH	
NATIONAL ELECTRICAL CODE	2015
MN STATE FIRE CODE	2015

OCCUPANCY REQUIREMENTS

FIRE SPRINKLER PROTECTION:	NON-SPRINKLED
TYPE OF CONSTRUCTION:	V-B
BUILDING OCCUPANCY:	B
FIRE RESISTIVE CONSTRUCTION:	
CONSTRUCTION REQUIREMENTS:	
EXTERIOR BEARING WALLS	0
INTERIOR BEARING WALLS	0
EXTERIOR NON-BEARING WALLS	0
STRUCTURAL FRAME	0
PARTITIONS- PERMANENT	0
SHAFT ENCLOSURES	0
FLOOR- CEILINGS/FLOORS	0
ROOFS- CEILING/ROOFS	0
EXTERIOR DOORS & WINDOWS	COMB. ALLOWED
	N.A.

CODE REVIEW

BUILDING USE	TYPE	SQ. FEET	OCC. FACTOR	OCC. LOAD	2 EXITS REQ'D
CAR WASH (EXISTING)	B	2,986	100	29.86	NO
CAR WASH (NEW)	B	794	100	7.94	NO
TOTAL		3,780		37.80	NO

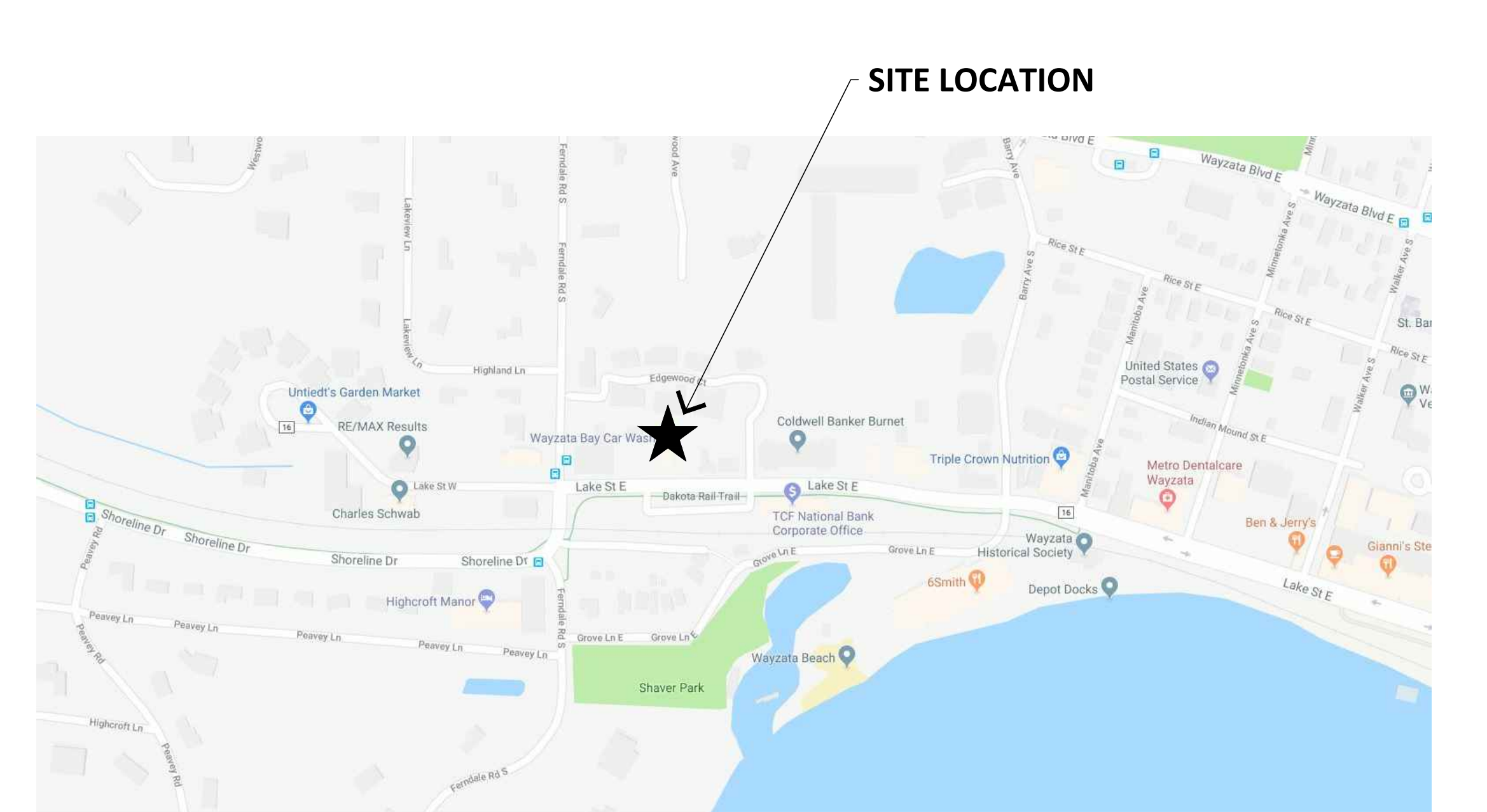
1. COMMON PATH OF TRAVEL IS 0'-0" LONG

NOTE: SQUARE FOOTAGES FOR BUILDING PERMIT ONLY

SHEET INDEX

[illegible]

AREA MAP



**1000 Twelve Oaks Center Drive
Suite 200, Wayzata, MN 55391
T: 952 426 7400
F: 952 426 7440**

The "General Conditions of the Contract," regarding the execution of the construction documents are to reference AIA Document A201, current edition, published in standard form by the American Institute of Architects and shall be part of the contract. The Contractor shall furnish and install all items which are obviously and reasonably necessary to complete the installation. The Contractor shall take out permits, procure certificates and pay off fees connected therewith, bidders shall visit the site and familiarize themselves with the conditions surrounding the work.

SECTION 01010- SUMMARY OF WORK
The Project involves the new construction of XXXXXXXXXX
The Owner for the Project is: XXXXXXXXXX

The Owner will engage a General Contractor as prime Contractor for the Project. Landscaping, site retaining walls and irrigation will be part of contract. All other contracts, including mechanical and electrical work will be subcontract under the General Contract. The General Contractor will be hereinafter be referred to as the Contractor.

SECTION 01025- MEASUREMENT AND PAYMENT
The application for payment shall be based on the approved Schedule of Values.

Make formal submittal of request for payment, by the end of the last working calendar day of the month, by filling in the agreed date on AIA Document G702, "Application and Certificate for Payment", including continuation sheet(s) and applicable lien waivers. Sign and notarize the Application and Certificate for payment and lien waivers. Submit the original of the Application and Certificate for Payment and lien waivers, plus three identical copies of the Application and Certificate for Payment to the Architect.

No changes in the Work may proceed unless a Change Order is signed by both the Architect and the Owner. Changes in the Work may be initiated by either the Architect, Owner or the Contractor. Upon initiation of a proposed change the Architect will prepare and issue a "Proposal Request" The Contractor's disagreement with the Change Order shall not in any way relieve the Contractor of his responsibility to proceed with the change as ordered and to seek settlement of the dispute under pertinent provisions of the Contract Documents.

SECTION 01045- CUTTING AND PATCHING
This section establishes general requirements pertaining to cutting, fitting, and patching of the Work.

Prior to cutting or excavating which affects structural safety, submit written request to the Architect for permission to proceed with cutting and excavating. For replacement of items removed, use materials complying with pertinent Sections of these Specifications. Inspect existing conditions, including elements subject to movement or damage during cutting, excavating, patching and backfilling; and after uncovering the work, inspect conditions affecting installation of new work. If conditions are not as anticipated, immediately notify the Architect and secure needed directions and do not proceed until unsatisfactory conditions are corrected. Provide required protection including, but not necessarily limited to, shoring, bracing, support to maintain structural integrity of the Work, and dust and weather protection. Perform work in a manner which will prevent damage to other portions of the Work and provide proper surfaces to receive installation of repair and new work. Perform fitting and adjusting of products to provide finished installation complying with the specified tolerances and finishes.

SECTION 01050- FIELD ENGINEERING
Work included: Provide such field engineering services as are required for proper completion of the Work, including, but not necessarily limited to: establishing and maintaining lines and levels; structural design of shores, forms, and similar items provided by the Contractor as part of his means and methods of construction.

In addition to procedures directed by the Contract for proper performance of the Contractor's responsibilities: Locate and protect control points before starting work on the site. Preserve permanent reference points during progress of the Work.

SECTION 01300- SUBMITTALS
Submit a minimum of six copies of shop drawings, catalog cuts, brochures and similar items to be reviewed by Architect. Shop drawings transmitted without General Contractor review will be returned unsubmitted. Digital submittals preferred.

SECTION 01400- QUALITY CONTROL
This section includes all labor, materials and equipment necessary to complete all testing work in this section and/or elsewhere in the Contract Documents.

The testing agency, paid for and employed by The Owner shall be an independent testing agency, laboratory, and/or consultant, acceptable to the Owner and the Engineer, with the professional qualifications and equipment to perform the specified tests and to evaluate and report the results. Testing, when required, will be in accordance with all pertinent codes and regulations, and with selected standards of the American Society for Testing and Materials.

SECTION 01500- TEMPORARY FACILITIES AND CONTROLS
Temporary Work: Provide necessary temporary piping and water supply and, upon completion of the work, remove such temporary facilities. Provide and pay for water used in construction.

Temporary heat and ventilation: Provide and maintain heat and ventilation necessary for proper conduct of operations needed in the work. Provide and pay for fuel for heating used in construction. Upon completion of the work, remove such temporary facilities. Do not use permanent air handling system for temporary heat and ventilation in construction areas or during construction activities causing airborne dust and contamination.

Temporary lighting and power: Provide necessary temporary wiring and, upon completion of the work, remove such temporary facility. Provide area distribution boxes so located that the individual trades may furnish and use 100 ft. maximum length extension cords to obtain power and lighting at points where needed for work, inspection, and safety.

Temporary telephone: Make necessary arrangements and pay costs for installation and operation of telephone service and Internet service to the Contractor's office at the site.

Temporary sanitary facilities: Provide and maintain temporary chemical toilet sanitary facilities in the quantity required for use by all personnel. Maintain in a sanitary condition at all times. Do not use permanent toilets for temporary sanitary facilities.

Contractor's facilities: Provide a field office area and sheds adequate in size and accommodation for Contractor's offices, supply and storage. Within the Contractor's facilities, provide enclosed space adequate for holding project meetings. Furnish with tables, chairs and utilities.

Provide and maintain for the duration of construction all scaffolds, tarpaulins, canopies, warning signs, steps, platforms, bridges, and other temporary construction necessary for proper completion of the work in compliance with pertinent safety and other regulations. Provide and maintain for the duration of construction temporary fencing and barricades as required to protect the work, the workmen and the public from injury.

The Contractor and each subcontractor shall be responsible for fire protection during construction operations. Follow NFPA Standard 241, Building Construction Operation, omitting requirements for fire watchmen. Provide temporary UL approved fire extinguishers.

Provide, erect and maintain a project identification sign of wood frame and exterior grade plywood construction, painted, with exhibit lettering by professional sign painter. List name of project, owner, Tenant, developer, general contractor, and architect. No other signs or advertising will be allowed except as may be approved by the Owner.

SECTION 01600- MATERIAL AND EQUIPMENT
Products include material, equipment and systems. Comply with Specifications and referenced standards as minimum requirements. Components required to be supplied in quantity within a Specification section shall be the same and shall be interchangeable.

Transport products by methods to avoid product damage; deliver in undamaged condition in manufacturer's unopened containers or packaging, dry. Provide equipment and personnel to handle products by methods to prevent soiling or damage. Promptly inspect shipments to assure that products comply with requirements, quantities are correct, and products are undamaged.

Store products in accordance with manufacturer's instructions, with seals and labels intact and legible. Store sensitive products in weather-tight enclosures; maintain within temperature and humidity ranges required by manufacturer's instructions and as specified in the Specification sections. For exterior storage of fabricated products, place on sloped supports above ground. Cover products subject to deterioration with impervious sheet covering and provide ventilation to avoid ground condensation. Store loose granular materials on solid surface in a well-drained area and prevent mixing with foreign matter. Arrange storage to provide access for inspection. Periodically inspect to assure products are undamaged and are maintained under required conditions.

Approval for substitution of materials: Only those products specified herein or approved according to the procedure described hereafter shall be allowed for use in construction of this project. It is the intent not to eliminate properly qualified bidders from competition but to confine the bidding to a level of quality as determined by the Architect. Document each request with complete data substantiating compliance of proposed substitution with Contract Documents. Request constitutes a representation that the Contractor: Has investigated proposed product and determined that it meets or exceeds, in all respects, the quality and standards of the specified product, will provide same

warranty for substitution as for specified product, will coordinate installation and make other changes which may be required for work to be complete in all respects, and waives claims for additional costs which may subsequently become apparent.

SECTION 01700- CONTRACT CLOSEOUT
Provide an orderly and efficient transfer of the completed work to the Owner. Prior to requesting inspection by the Architect, use adequate means to assure that the work is completed in accordance with the specified requirements and is ready for the requested inspection. Substantial completion: Prepare and submit the list required by the first sentence of Paragraph 9.8.2 of the AIA General Conditions.

When the Architect concurs that the work is substantially complete: The Architect will prepare a "Certificate of Substantial Completion" on AIA form G704, accompanied by the Contractor's list of items to be completed or corrected, as verified by the Architect.

SECTION 01710- CLEANING
Throughout the construction period, maintain the buildings and site in a standard of cleanliness as described in this section.

Conduct daily inspection, and more often if necessary, to verify that requirements for cleanliness are being met. In addition to the standards described in this Section, comply with pertinent requirements of governmental agencies having jurisdiction. Use only the cleaning materials and equipment which are compatible with the surface being cleaned, as recommended by the manufacturer of the material. Keep the premises free from accumulation of scrap, waste materials, debris, and other items at all times, and remove from the building all waste materials and debris daily, and deposit all waste materials and debris in the dumpsters provided by the General Contractor.

Schedule final cleaning as approved by the Architect to enable the Owner to accept a completely cleaned project. "At conclusion of construction and immediately prior to transferring occupancy to Owner, have all ductwork cleaned and have all HVAC filters replaced.

SECTION 01720- PROJECT RECORD DOCUMENTS
Throughout the progress of the work, maintain an accurate record of changes in the Contract Documents.

Delegate the responsibility for maintenance of Project Record Documents to one person on the Contractor's staff as approved by the Architect. Thoroughly coordinate changes within the Project Record Documents, making adequate and proper entries on each page of the Specifications and each sheet of Drawings and other Documents where such entry is required to show the change properly.

Immediately upon receipt of the job set, identify each of the Documents with the title, "PROJECT RECORD DOCUMENTS." Maintain the Project Record Documents at the Project Site.

SECTION 02220- EXCAVATION, BACKFILLING & COMPACTING
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. Provide all labor, materials and equipment necessary to complete all excavating, backfilling, compacting and finish grading work shown on the drawings and specified herein for the building structure and site. Perform excavating, backfilling, and compacting in compliance with applicable requirements of governing authorities having jurisdiction and/or conformation with Geotechnical Report.

General Contractor to employ the services of an independent soils Engineer to inspect and approve soil after excavations for foundations are complete and to perform compaction tests. Submit reports of tests, inspections, and approvals by the soils Engineer.

Backfill and fill: Clean, granular fill. Granular material obtained from the site which is free of organic materials, debris, and excessive silt approved for use by the soils Engineer may be used. Examine the areas and conditions under which building excavation and fill is to be performed and notify the Architect in writing of conditions detrimental to the proper and timely completion of the work. Do not proceed with the work until unsatisfactory conditions have been corrected in an acceptable manner. Compact each layer to the required percentage of maximum density of each area of classification.

SECTION 02611- WATERMAIN
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. City Engineers Association of Minnesota Standard Specifications.

SECTION 02621- SANITARY SEWER
* Also see separate specifications from civil engineer. The more restrictive requirements shall apply. City Engineers Association of Minnesota Standard Specifications.

SECTION 03100- CONCRETE FORMWORK
This sections includes all labor, materials and equipment necessary to complete cast-in-place concrete formwork specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply. All work to conform with: American Concrete Institute (ACI). Recommended Practices for Concrete Formwork, ACI 347.

Construct forms complying with ACI 347, to the exact sizes, shapes, lines and dimensions shown, and as required to obtain accurate alignment, location, grades, level and plumb work for finished structures.

The Contractor shall be responsible for the design, engineering and construction of the formwork.

SECTION 03200- CONCRETE REINFORCEMENT
This sections includes all labor, materials and equipment necessary to complete cast-in-place concrete formwork specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Work to conform with: American Concrete Institute (ACI): ACI 318-77, Building Code Requirements for Reinforcing Steel, and ACI 315-65, Manual of Standard Practice for Detailing Reinforced Concrete Structures: American Welding Society (AWS): AWS D12.1, Recommended Practices for Welding Reinforcing Steel, Metal Inserts and Connections in Reinforced Concrete Construction: Concrete Reinforcing Steel Institute: Manual of Standard Practice. Verify materials with structural drawings. Fabricate reinforcing bars to conform to required shapes and dimensions, with fabrication tolerances complying with CRSI Manual of Standard Practice.

-Reinforcing bars: ASTM A615/ A615M, Grade 60, deformed -Reinforcing bars, welded: ASTM A706, Grade 60 deformed -Plain steel wire: ASTM A82, as drawn. -Plain steel wire: ASTM A82, galvanized. -Plain steel welded wire fabric: ASTM A185, fabricated from as-drawn steel wire into flat sheets. -Galvanized plain-steel welded wire fabric: ASTM A185, fabricated from galvanized steel wire into flat sheets.

Submit reinforcement shop drawings: details of fabrication and bending.

SECTION 03300- CAST-IN-PLACE CONCRETE
This section includes all labor, materials and equipment necessary to complete all cast-in-place concrete work shown on the drawings and specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Codes and standards: Comply with the provisions of the following codes, specifications and standards unless otherwise specified herein: ACI 301, Specifications for Structural Concrete for Buildings: ACI 318, Building Code Requirements for Reinforced Concrete: ACI 304, Recommended Practice for Measuring, Mixing, Transporting and Placing Concrete. Where provisions of the above codes and standards are in conflict with the building code in force for this project, the building code shall govern. Engage an independent testing laboratory to perform material evaluation tests and to design concrete mixes.

-Portland cement: ASTM C150, Type 1. Use only one brand and manufacturer of cement for exposed concrete throughout project, unless otherwise acceptable to Architect. -Aggregates: ASTM C33, as follows: Coarse aggregate: Footings: 1-1/2 inches maximum. Slabs, columns and walls: 3/4 inches maximum. Masonry fill: 3/8 inches. Fine aggregate: Clean, hard, natural sand. For exterior exposed surfaces, do not use fine or coarse aggregates containing spalling-causing deleterious substances. Provide aggregates from a single source for exposed concrete. Exposed aggregate sidewalk aggregate: Washed, rounded river gravel, 5/8" to 3/4" diameter, variable colors to approximate building stone color.

-Water: Drinkable, clean, free from injurious amounts of oil, acids, alkalis, or organic materials ASTM C94
-Water-reducing, set controlling admixtures: ASTM C494, Type A, and not containing more than 0.1% chloride ions
-Liquid membrane curing: ASTM C309, Type 1, clear, acrylic based.
-Sheet curing materials: ASTM C171, polyethylene film or waterproof paper.
-Expansion joints: Asphalt impregnated fiberboard, ASTM D1751
-Vapor barrier: 15 mil reinforced-Stego Wrap, Perminator or equal.

All concrete shall be ready-mix concrete, mixed and delivered in accordance with ASTM C94, Standard Specifications for Ready-Mix Concrete and as specified herein. Protect exposed surfaces of concrete from premature drying and excessive temperature changes. Prepare field test cylinders in accordance with ASTM C31 and ASTM C172 for laboratory compression testing of job concrete.

Refer to Structural notes for concrete strengths. Submit Design mixes for each concrete mix. Mix designs shall be prepared and certified by a professional engineer.

SECTION 04100- MORTAR
Mortar as specified herein as shown on the Drawings, and as needed for a complete and proper installation.

Conform to the ASTM Standard Specifications for Mortars.
-Masonry cement: ASTM C91-75, Type II.
-Portland cement: ASTM C150-77, Type I. -Hydrated lime: ASTM C207-76, Type S
-Special Hydrated.
-Sand: ASTM C144-76
-Water: Clean and potable from domestic supply.

Proportioning: Conform to the requirements of the Proportion Specifications of ASTM C270-73: Engage an independent testing agency to test masonry mortar specimens for water retentivity and 28 day compressive strength in accordance with ASTM C270.

Refer to Structural notes for masonry strength.

SECTION 04200- UNIT MASONRY
Unit masonry work shown on the drawings and specified herein, including all labor, materials, and equipment necessary. Comply with the applicable requirements of governing authorities and codes for the types of masonry construction shown.

-Hollow load-bearing concrete block: ASTM C90, Grade N-1; sizes and shapes as shown on the drawings.
-Solid load-bearing concrete block: ASTM C145, Grade N-1; sizes and shapes as shown on the drawings.
-Face Brick: conforming to ASTM C-216, Type FBX, grade SW.
-Continuous wire reinforcing: Truss type, 9 gage, fabricated from mill galvanized wire, width as required.
-Anchor bolts: Provide as required and shown on the Drawings.-Anchor bolts: ASTM A307. -Shop primer: SSPC Paint 13-64, Gray color.
-Brick ties: Rectangular adjustable wall ties made of 3/16" galvanized wire with maximum 1-1/2" adjustment and size and length as required. 16" O.C. vertically and 24" O.C. horizontally.
-Brick flashing: Vinyl sheet (polyvinyl chloride), 20 mil thick. Manufacturer's recommended adhesive for directed installation.

Refer to Structural notes for masonry strength.

SECTION 05100- STRUCTURAL METAL FRAMING
This section includes all labor, materials and equipment necessary to complete all structural metal framing work shown on the drawings and specified herein. Verify data with structural drawings (typical). Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Comply with the specifications and detailing practices outlined in the AISC Manual of Steel Construction, latest edition and supplements for fabrication and erection. Comply with AISC Specifications for Structural Joints Using ASTM 325 or A490 Bolts for all bolted connections. Comply with AWS Code for procedures, appearance and quality of welds and for methods used in correcting welding work. Comply with the AISC Specifications and Code of Standard Practice, General Structural Notes on the Structural Drawings.

-Wide Flange Beams: A992; Fy= 50,000 psi -Angles and plates: ASTM A-36; Fy = 36,000 psi.
-Structural steel tubing: ASTM A500, Grade B; Fy = 46,000 psi. -Structural steel pipe: ASTM A53, Type E, Grade B; Fy = 35,000 psi.
-High strength structural bolts: ASTM A325 N. Minimum bolt diameter shall be 3/4 inches.
-Anchor bolts: ASTM A307.
-Shop primer: SSPC Paint 13-64, Gray color.
-Welding electrodes: AWS Specifications, Serial Designation E-70.

Structural Drawings and as herein specified. Maintain work in a safe and stable condition during erection. Owner to employ the services of an independent testing agency to visually inspect all field welds and randomly test a minimum of 10% of the high-strength bolt connections.

Submit shop drawings which include details of cuts, dimensions, splices, camber, holes, and other pertinent data. Include embedment drawings.

SECTION 05400- COLD-FORMED METAL FRAMING
This section includes all labor, materials and equipment necessary to complete all structural metal framing work shown on the drawings and specified herein. Also see separate specifications from Structural Engineer. The more restrictive requirement shall comply.

Comply with ASTM A611- Steel, Cold-Rolled Sheet, Carbon, Structural, AWSI Specifications Guide for Cold Formed Steel Structural Members, AWS D1.1 Structural Welding Code.

Size components to withstand design loads as required by code. Fabricate assemblies of framed sections of sizes and profiles required; with framing members fitted, reinforced, and braced to design requirements.

Provide shop drawings showing layout, spacings, sizes, thicknesses and types of cold-formed metal framing; fabrication; and fastening and anchorage details, including metal fasteners. See Structural Notes for additional information.

SECTION 05500- METAL FABRICATION
Work included: This section includes all labor, materials and equipment necessary to complete all miscellaneous metal fabrication work shown on the drawings and specified herein. Types of work in this Section include metal fabrications for: Rough hardware, Loose steel lintels, Railings and stairs, Steel bollards, Elevator pit ladder and elevator door sills, Miscellaneous steel, grates, framing supports, ornamental metals, and other items indicated on the drawings and not specified under other Sections of these Specifications. Verify data with structural drawings (typical).

Comply with the following standards as pertinent:.-
-Steel plates, shapes, and bars: ASTM A36.
-Steel plates to be bent or cold-formed: ASTM A283, Grade C. -Steel tubing (hot-formed, welded, or seamless): ASTM A501.
-Steel bars and bar-size shapes: ASTM A306, Grade 65, or ASTM A36. -Cold-finished steel bars: ASTM A108.
-Cold-rolled carbon steel sheets: ASTM A336.
-Galvanized carbon steel sheets: ASTM A526, with G90 zinc coating in accordance with ASTM A525.
-Stainless steel sheets: AISI type 302 or 304, 24 gage, with number 4 finish.
-Gray iron castings: ASTM A48, Class 10.
-Malleable iron castings: ASTM A47.
-Steel pipe: ASTM A53, Grade A, Schedule 40, black finish unless galvanizing is indicated.
-Threaded or wedge type galvanized ferrous castings of malleable iron complying with ASTM A27.
-Provide required bolts, shims, and washers, hot-dip galvanized in accordance with ASTM A153.
-Aluminum- ASTM B221, ASTM B209. All fasteners at aluminum to be 300 series non-magnetic stainless steel, ASTM A307

Examine the areas and conditions under which work of this Section will be performed. Correct conditions detrimental to timely and proper completion of the work. Do not proceed until unsatisfactory conditions are corrected. Coordinate as required with other trades, to assure a proper and adequate provisions in the work of those trades for interface with the work of this section.

Submit shop drawings showing fabrication and installation details for metal fabrications. Include plans, elevations, sections, and details of metal fabrications and their connections.

SECTION 06100- ROUGH CARPENTRY
This section includes all labor, materials and equipment necessary to complete all rough carpentry work shown on the drawings and specified herein, identify all lumber and plywood by grade stamp by an agency certified by the Board of Review of the American Lumber Standards Committee.

Keep materials under cover and dry. Protect against exposure to weather and contact with damp or wet surfaces. Coordinate location of furring and nailers, blocking, grounds, and similar supports to allow attachment of other work.

Conform to U.S. Product Standard PS20-70 for Lumber. Conform to applicable requirements of U.S. Product Standard PS 1-74, for softwood/plywood construction. Provide dressed, kiln dried lumber, S4S, with 19 percent maximum moisture content at time of dressing and shipment for sizes 2" or less in nominal thickness unless otherwise indicated.

Where lumber or plywood is indicated as treated on the Drawings or is specified herein to be treated, comply with applicable requirements of AWWA Standards C2 for lumber and C9 for plywood, and of AWWP Standards listed below. Mark each treated item with AWWP Quality Mark Requirements.

Where fire-retardant treated wood ("FRTW") is indicated, pressure impregnated lumber and plywood with fire-retardant chemicals to comply with AWWA C20 and C27, respectively, for treatment type

indicated below; identify "FRTW" lumber with appropriate classification marking of Underwriters Laboratories, Inc., U.S. Testing. Timber Products Inspection or other testing and inspecting agency acceptable to authorities having jurisdiction.

SECTION 06200- FINISH CARPENTRY
This section includes all labor, materials and equipment necessary to complete all finish carpentry work shown on the drawings and specified herein.

Conform to Architectural Woodwork Institute (AWI) applicable requirements in AWI Quality Standards and Guidelines for custom woodwork. Conform to applicable requirements in National Electrical Manufacturer's Association (NEMA) Publication LD3, High Pressure Decorative Laminates for plastic laminate fabrication. Installer shall advise Contractor of temperature and humidity requirements for finish carpentry installation areas. Do not install finish carpentry until required temperature and relative humidity conditions have been stabilized and will be maintained in installation areas.

Softwood for paint finish and concealed locations: Ponderosa Pine, Sugar Pine, or Northern White Pine. AWI Construction Manual, High pressure decorative laminates shall comply with National Electric Manufacturers Association (NEMA) publication LD3. See Drawings for Specifications.

Install items in strict accordance with the drawings, and recommended methods of the manufacturer as approved by the Architect, anchoring firmly into position at prescribed locations, straight, plumb and level.

SECTION 07200- INSULATION
Work included: This section includes all labor, materials and equipment necessary to complete all work shown on the drawings and specified herein. Comply with fire-resistance and flammability ratings as shown and specified; and comply with code interpretations by governing authorities. All insulation will comply with ASTM E84. Do not allow insulation materials to become wet, soiled or covered with ice or snow. Comply with manufacturer's recommendations for handling, storage and protection before and during installation. Comply with manufacturer's instructions for the particular conditions of installation in each case.
-Install insulation as noted on drawings:
-Perimeter insulation below grade in contact with earth: Closed cell extruded polystyrene foam, .185K value, meeting Fed. Spec. HH-I-52, Type II, Class B, thickness as shown on drawings.
-Mineral fiber blanket insulation: Unfaced glass or other inorganic fibers and resinous binders formed into flexible blankets, complying with ASTM C 665, thickness as shown on the drawings.
-Acoustical insulation: Unfaced fiberglass blankets, complying with ASTM C 665.
-Safing insulation: USF Thermafiber safing insulation as required to prevent passage of fire between systems.
-Adhesives: Mastic No. 11 (Dow Chemical) or Scotch Construction Adhesive (3M Company).
-Vapor barriers: 6 mil polyethylene sheeting. Unless noted otherwise
-Exposed conditions in ceiling plenums: Foil faced closed cell extruded polystyrene foam.
-Building envelope insulation to be labeled with R value
-Attics and Mechanical rooms to have insulation protected where adjacent to Attic or equipment areas.
-The continuous air barrier to be wrapped, sealed, caulked, gasketed and/or taped in an approved manner.
-All sources of air leakage in the building thermal envelope area sealed, caulked, gasketed, weather stripped or wrapped with moisture vapor-permeable wrapping material to minimize air leakage.

SECTION 07240- EXTERIOR INSULATION AND FINISH SYSTEM CLASS PB (EIFS)
Work included: This section includes all labor, materials and equipment necessary to complete all work shown on the drawings and specified herein. Provide and install Exterior Insulation and Finish System (EIFS) Class PB consisting of Backstop (an air/weather barrier), an adhesive, insulation board, base coat with reinforcing mesh, and finish. Performance requirements: ASTM E 283, ASTM D 968, Absorption - Freeze- Thaw: 60 cycles, ASTM G 23, Mildew Resistance: Mil Std. 810B, ASTM D 2247, ASTM B 117, ASTM E 831, ASTM E 96, ASTM C 297, ASTM E 330, EIMA Standard 101.86, ASTM E 84, ASTM E 108 Modified, ASTM E 119.
Contractor shall be experienced and competent in the installation of exterior insulation and finish systems. Materials shall be delivered to the job site in the original, unopened packages with labels intact. Contractor shall warrant it's workmanship. The system shall be installed in accordance w/ manufacturers instructions. Protect materials from inclement weather until they are dry. Provide a (7) year written warranty. The applicator shall warrant it's workmanship. The system shall be installed in accordance w/ manufacturers instructions. See product specifications for color and texture.

SECTION 07530- ELASTOMERIC MEMBRANE ROOFING
Work included: This section includes Elastomeric Sheet Membrane Conventional Roofing System with insulation, roof membrane to be fully adhered, indicate interface with adjacent construction and tapered insulation setting plan on shop drawings. Perform Work in accordance with NRCA Roofing and Waterproofing Manual and manufacturer's recommendations and details. Perform Work in accordance with UL 790 (Underwriters Laboratories Inc.) Class A Fire Hazard Classification. Do not install membrane during inclement weather or when air temperature may fall below 40 degrees F. Provide ten year manufacturer's warranty including no leakage limit (NDL) coverage of materials and installation resulting from failure to resist penetration of moisture. Seaming materials: As recommended by membrane manufacturer. Provide all accessories as recommended by membrane manufacturer. Provide walk surface on protective mat to and around mechanical equipment requiring regular maintenance. Confirm locations with mechanical contractor.

SECTION 07600- FLASHING AND SHEET METAL
This section includes all labor, materials and equipment necessary to complete all flashing and sheet metal work shown on the drawings and specified herein. Coordinate work of this section with interfacing and adjoining work for proper sequencing of each installation. Ensure best possible weather resistance and durability of work and protection of materials and finishes. Provide other materials, not specifically described but required for a complete and proper installation, as selected by the Contractor subject to approval of the Architect.

-Prefinished: Color as selected by the Architect. Profiles and thickness as shown on the drawings.
-Solder: For use with steel or copper, provide 50/50 tin/lead solder (ASTM B32) with rosin flux.
-Fasteners: Same metal as flashing/sheet metal or, other non-corrosive metal as recommended by sheet manufacturer. Match finish of exposed heads with material being fastened.
-Metal accessories: Provide steel metal clips, straps, anchoring devices and similar accessory units as required for installation of work matching or compatible with material being installed, noncorrosive, size and gage required for performance.
-Bituminous Paint: Asphalt emulsion, ASTM D1187, Type A.
-Sealant: One-part butyl rubber sealant, FS TT-S-001657, Type I.

SECTION 07900- JOINT SEALERS
This section includes all labor, materials and equipment necessary to complete all joint sealer work shown on the drawings and specified herein.

Provide joint sealers at locations where dissimilar materials meet on the exterior and other locations where liquid infiltration or sanitary requirements apply or as required by product manufacturers or by industry standards. Provide joint sealers, joint fillers and other related materials that are compatible with one another and with joint substrates under conditions of service and application, as demonstrated by testing and field experience. Provide color of exposed joint sealers indicated or, if not otherwise indicated, as selected by Architect from manufacturer's full range of available colors. Note: not custom color.

Provide sealant backings of materials and type which are non-staining; are compatible with joint substrates, sealants, primers and other joint fillers; and are approved for applications indicated by sealant manufacturer based on field experience and laboratory testing.

SECTION 08520- ALUMINUM WINDOWS AND ENTRANCES
This section includes all labor, materials and equipment necessary to complete all aluminum window work shown on the drawings and specified therein.
-See drawings for window system specifications.
Verify wall openings and adjoining air and vapor seal materials are ready to receive work of this Section. Install window frames, glass and glazing in accordance with manufacturer's instructions.

-Windows to be rated in accordance with NFRC
-Factory built fenestration and doors to be labeled as meeting Air Leakage Requirements
-Fenestration products are to be certified as to performance labels or certificates provided

SECTION 08700- FINISH HARDWARE
This section includes finish hardware for doors as specified and as listed in "Hardware Groups" and required by actual conditions. See drawings for manufacturer, finishes and groups. Include screws, special screws, bolts, special bolts, expansion shields, and other devices for proper application of hardware. Provide items, articles, materials, operations and methods listed, mentioned or scheduled herein or on drawings, in quantities as required to complete project. Provide hardware that functions properly. Prior to furnishing hardware, advise Architect of items that will not operate properly, are improper for conditions, or will not remain permanently anchored.
- Hardware Schedule: Submit hardware schedule for purpose of preliminary review and acceptance. Hardware schedule shall clearly indicate manufacturer of each item proposed. List shall contain hardware item, base metal, finish, and type number. Provide samples if requested. Digital submittals preferred.

SECTION 08800- GLAZING
This section includes all labor, materials and equipment necessary to complete all glazing work shown on the drawings and specified herein. Comply with recommendations of Flat Glass Marketing Association (FGMA) Glazing Manual and Sealant Manual except where more stringent requirements are indicated.
-Where safety glass is indicated or required by authorities having jurisdiction, provide type of products indicated which comply with ANSI Z97.1 and testing requirements of 16 CFR Part 1201 for category II materials.
-Provide primary glass which complies with ASTM C 1036 requirements, including those indicated by reference to type, class, quality, and, if applicable, form, finish, mesh and pattern.
-Provide heat-treated glass which complies with ASTM C 1048 requirements, including those indicated by reference to kind, condition, type, quality, class, and if applicable, form finish and pattern.

Comply with combined printed recommendations of glass manufacturers, of manufacturers of sealants, gaskets and other glazing materials, except where more stringent requirements are indicated, including those of referenced glazing standards. Remove and replace glass which is broken, chipped, cracked, abraded or damaged in other ways during construction period, including natural causes, accidents and vandalism.

SECTION 09250- GYPSUM BOARD
This section includes all labor, materials and equipment necessary to complete all gypsum board work shown on the drawings and specified herein. Comply with applicable requirements of GA-216, Application and Finishing of Gypsum Board by the Gypsum Association, except where more detailed or more stringent requirements are indicated including manufacturer's recommendations.

Gypsum wallboard: Regular type with tapered long edges, ASTM C36: Densguard, Interior Guard board base for ceramic tile. Use water-resistant joint compound and treat joints and fasteners to comply with directions of water-resistant joint compound manufacturer. Fire-resistance ratings: Where gypsum drywall systems with fire-resistance ratings are indicated, provide materials and installations which are identical with those of applicable assemblies tested per ASTM E 119 by fire testing laboratory acceptable to authorities having jurisdiction.

SECTION 09260- GLASS MAT GYPSUM SHEATHING (DENSGLASS GOLD)

SECTION 09900- PAINTING
This Section includes all labor, materials, and equipment necessary to complete all painting work shown on the drawings and specified herein including interior and exterior exposed items and surfaces except as otherwise indicated. "Paint" as used herein means all coating systems, materials, including primers, emulsions, enamels, stains, sealers and fillers, and other applied materials, whether used as prime, intermediate or finish coats. Paint all exposed surfaces whether or not colors as designated in "Schedules", except where the natural finish of the material is specifically noted as a surface not to be painted. Where items or surfaces are not specifically mentioned, paint these the same as adjacent similar materials or areas. Do not paint over any code-required labels, adhesives, or other markings.
-The continuous air barrier to be wrapped, sealed, caulked, gasketed and/or taped in an approved manner.
-All sources of air leakage in the building thermal envelope area sealed, caulked, gasketed, weather stripped or wrapped with moisture vapor-permeable wrapping material to minimize air leakage.

WHERE PROPOSED SYSTEM OR PRODUCTS ARE DIFFERENT MANUFACTURER THAN THE SPECIFIED SYSTEMS OR PRODUCTS, ATTACH TECHNICAL PRODUCT DATA DEMONSTRATING EQUIVALENCE OF EACH PROPOSED PRODUCT. IDENTIFY THE SPECIFIED PRODUCT BEING COMPARED ON EACH PROPOSED PRODUCT DATA SHEET.

Thoroughly examine surfaces scheduled to be painted prior to commencement of work. Report in writing to Architect any condition that may potentially affect proper application. Do not commence until such defects have been corrected. Correct defects and deficiencies in surfaces which may adversely affect work of this Section. Prepare all previously painted surfaces for painting by methods recommended by the paint manufacturer or by standard trade practices. It is intended that refinished existing work be of same quality as new work.

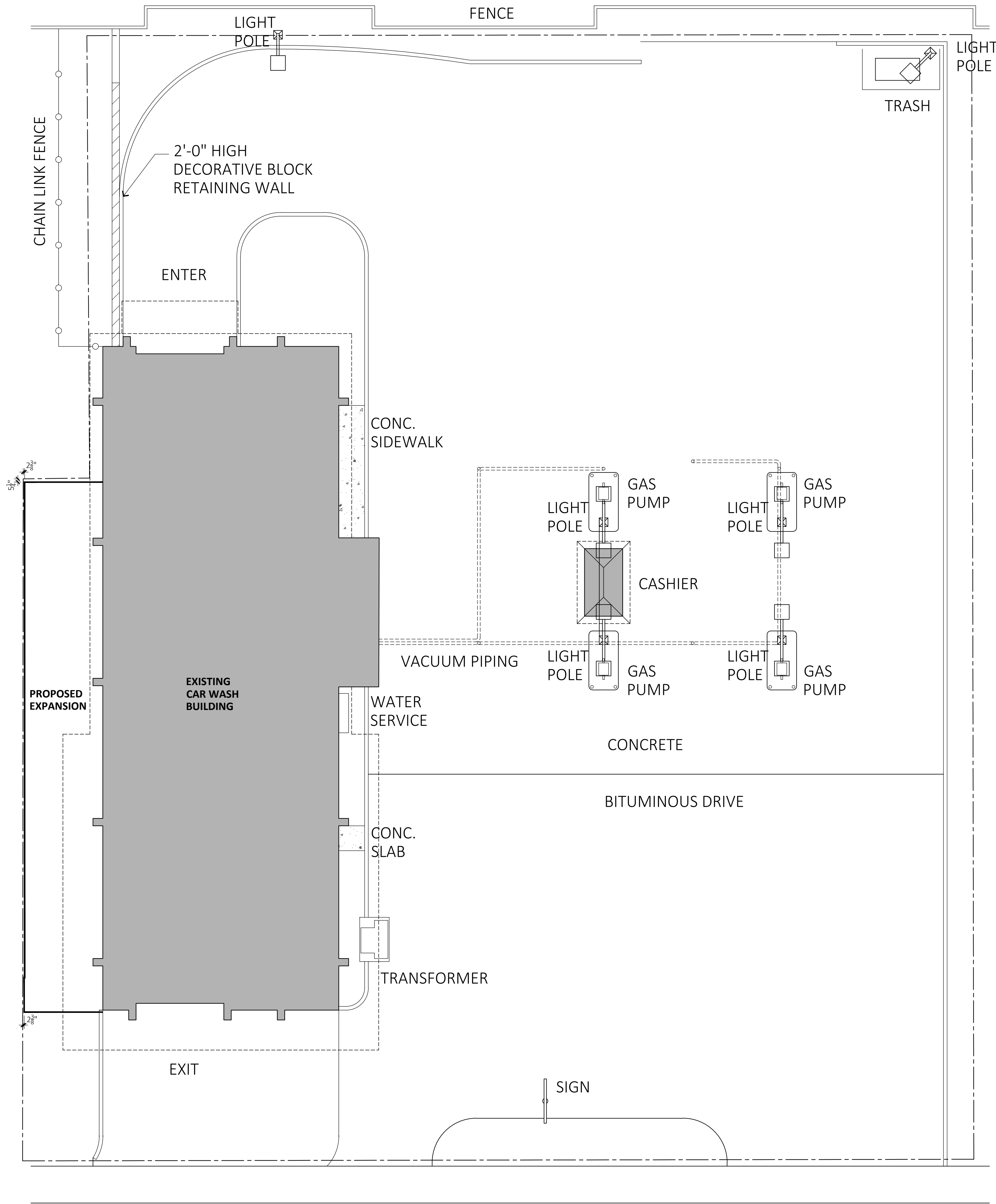
SECTION 10200- LOUVERS AND VENTS
This section includes all labor, materials and equipment necessary to complete all louvers and vent work shown on the drawings and specified herein. Field measure prior to preparation of shop drawings and fabrication to ensure proper fitting of work. Install in accordance with manufacturers recommendations in a neat, plumb, level and rigid manner.

SECTION 10430- EXTERIOR SIGNS
This section includes all labor, materials and equipment necessary to complete all exterior sign work shown on the drawings and specified herein.

Aluminum sheet: Alloy and temper recommended type of use and finish indicated, and with the strength and durability properties specified in ASTM B209 for 5005-H115. Handicap parking signs: Painted aluminum sheet on steel posts as detailed on the drawings complying with the requirements of the Minnesota State Handicap Code, blue color. Locate sign units and accessories where shown or scheduled, using mounting methods of the type described and in compliance with the manufacturers instructions.

Provide individually internally lit exterior signs per drawings. Tenant to provide Contractor with original artwork for sign manufacturer.

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WAYZATA BAY CAR
WASH
NEW CONSTRUCTION

WAYZATA BAY CAR
WASH
143 LAKE STREET
WAYZATA, MN 55391

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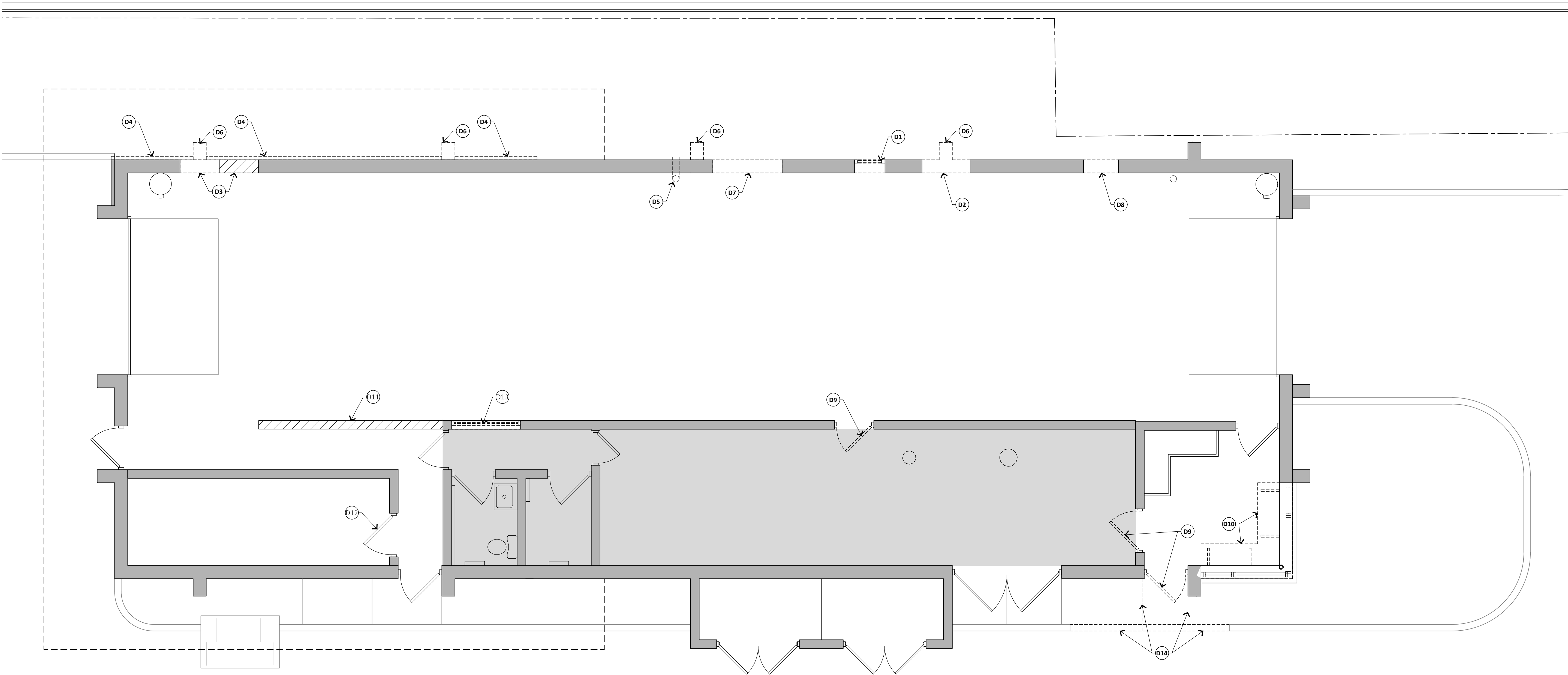
NO.	DESCRIPTION	DATE
	CONSTRUCTION DOCUMENTS	05.07.2018

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ARCHITECTURAL
SITE PLAN

CONSTRUCTION DOCUMENTS

K:\jobs\wayzata car wash\2018 Expansion_18112\05_Dwg\Wayzata Bay Car Wash\sheet\18112.0BL E-A100 DEMOLITION PLAN.dwg



1
A100 **DEMOLITION PLAN**
1/4" = 1'-0"

GENERAL DEMOLITION NOTES

- REMOVE ALL EXISTING FINISHES THAT CONFLICT WITH FINISHES INDICATED ON THE FINISH PLAN(S). PREPARE SURFACES AS REQUIRED FOR NEW MATERIALS.
- REMOVE EXISTING WALLS, PARTITIONS, DOORS, FRAMES, MILLWORK, FIXTURES, ETC. SHOWN ON THE PLAN WITH DASHED LINES. TURN ALL SALVAGEABLE ITEMS OVER TO THE OWNER. SAVE AND STORE ITEMS INDICATED ON DRAWINGS FOR LATER INSTALLATION IN NEW CONSTRUCTION.
- REMOVE ALL OR ANY GENERAL, MECHANICAL, AND ELECTRICAL MATERIALS NOT NECESSARILY SHOWN, BUT REQUIRED TO BE REMOVED TO COMPLETE THE WORK. TURN ALL SALVAGEABLE ITEMS OVER TO THE OWNER.
- REMOVE ALL OR ANY GENERAL ELECTRICAL AND MECHANICAL OUTLETS AS REQUIRED. PATCH EXISTING WALL.
- IT IS UNDERSTOOD THAT THE EXISTING BUILDING MAY CONTAIN ASBESTOS OR PRODUCTS CONTAINING ASBESTOS, A SUBSTANCE KNOWN TO PRESENT HEALTH HAZARDS. THE CLIENT ACKNOWLEDGES THAT THE DESIGN PROFESSIONAL'S SCOPE OF SERVICES FOR THIS PROJECT DOES NOT INCLUDE ANY SERVICES RELATED IN ANY WAY TO ASBESTOS. SHOULD THE DESIGN PROFESSIONAL OR ANY OTHER PARTY ENCOUNTER SUCH MATERIALS ON THE JOB SITE, OR SHOULD IT IN ANY WAY BECOME KNOWN THAT SUCH MATERIALS ARE PRESENT OR MAY BE PRESENT ON THE JOB SITE, OR ANY ADJACENT AREAS, WHICH MAY AFFECT THE DESIGN PROFESSIONAL'S SERVICES. THE DESIGN PROFESSIONAL MAY, AT HIS OR HER OPTION, AND WITHOUT LIABILITY FOR CONSEQUENTIAL OR ANY OTHER DAMAGES, SUSPEND PERFORMANCE OF SERVICES ON THE PROJECT UNTIL THE CLIENT RETAINS A QUALIFIED SPECIALIST CONTRACTOR TO ABATE. ENCAPSULATE AND/OR REMOVE THE ASBESTOS OR ASBESTOS-CONTAINING MATERIALS AND WARRANT THAT THE JOB SITE IS IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THE CLIENT AGREES TO WAIVE ALL CLAIMS AGAINST THE DESIGN PROFESSIONAL AND HIS OR HER OFFICERS, DIRECTORS, EMPLOYEES AND SUBCONSULTANTS ARISING FROM OR IN ANY WAY CONNECTED WITH THE EXISTENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS ON OR ABOUT THE SITE.
- THE CLIENT FURTHER AGREES, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY AND HOLD HARMLESS THE DESIGN PROFESSIONAL FOR ANY AND ALL DAMAGES, LIABILITIES OR COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND DEFENSE COSTS, ARISING IN ANY WAY FROM THE EXISTENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS ON OR ABOUT THE SITE, EXCEPT FOR THOSE DAMAGES, LIABILITIES OR COSTS ATTRIBUTABLE TO THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE DESIGN PROFESSIONAL. DESIGN PROFESSIONAL SHALL NOT BE RESPONSIBLE IN ANY WAY FOR ANY SAFETY PRECAUTIONS, INCLUDING MEASURES FOR THE PROTECTION OF THE CONTRACTOR OR ANY SUBCONTRACTOR NOR FOR THE PROTECTION OF THE PUBLIC. SUCH RESPONSIBILITY FOR SAFETY PRECAUTIONS IS AND SHALL REMAIN THAT OF THE CLIENT AND THE CONTRACTOR.
- THE CONTRACTOR MUST MAINTAIN NEGATIVE AIR FROM THE CONSTRUCTION ENTRANCE INTO THE CONSTRUCTION WORK SITE. THIS AIR FLOW MUST BE MAINTAINED THROUGH THE DURATION OF THE PROJECT.
- THE CONTRACTOR WILL BE REQUIRED TO SAW CUT THE EXISTING CONCRETE SLAB & REMOVE THE EXISTING CONCRETE SLAB FOR INSTALLATION OF THE NEW PLUMBING PER THE MECHANICAL DRAWINGS. FOLLOWING INSTALLATION OF PLUMBING THE CONTRACTOR WILL REPAIR THE CONCRETE SLAB TO MATCH & BE LEVEL WITH THE EXISTING CONCRETE.

KEY NOTES

- D1** REMOVE EXISTING LOUVER
- D2** DEMO BLOCK WALL TO ALLOW FOR INSTALLATION OF NEW DOOR
- D3** DEMO BLOCK WALL TO ALLOW FOR NEW OPENINGS; PARTIAL HALF WALL TO REMAIN. SEE INTERIOR ELEVATION
- D4** REMOVE EXISTING NOVABRIK VENEER, SALVAGE FOR RE-INSTALLATION ON EXPANSION. SEE EXTERIOR ELEVATIONS
- D5** RE-ROUTE ROOF DRAIN AND SCUPPER TO DRAIN ON ROOF OF NEW EXPANSION.
- D6** REMOVE EXTERIOR CMU STUB WALLS.
- D7** DEMO WALL AS REQ'D TO ALLOW FOR INSTALLATION OF NEW WINDOW.
- D8** DEMO WALL AS REQ'D TO ALLOW FOR INSTALLATION OF NEW LOUVER.
- D9** REMOVE EXISTING DOOR AND FRAME.
- D10** REMOVE EXISTING WOOD BENCH AND SUPPORTS.
- D11** REMOVE EXISTING CAP FROM HALF WALL.
- D12** REMOVE EXISTING DOOR AND FRAME, SALVAGE DOOR FOR REINSTALL ON NEW FRAME.
- D13** REMOVE EXISTING WINDOW.
- D14** DEMO EXISTING CURB AND SIDEWALK FOR INSTALLATION OF NEW ADA CURB.

**WAYZATA BAY CAR WASH
NEW CONSTRUCTION**

**WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391**

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CONSTRUCTION DOCUMENTS 05.07.2018

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CHECKED BY: T. MOHAGEN

DATE: 05/07/2018

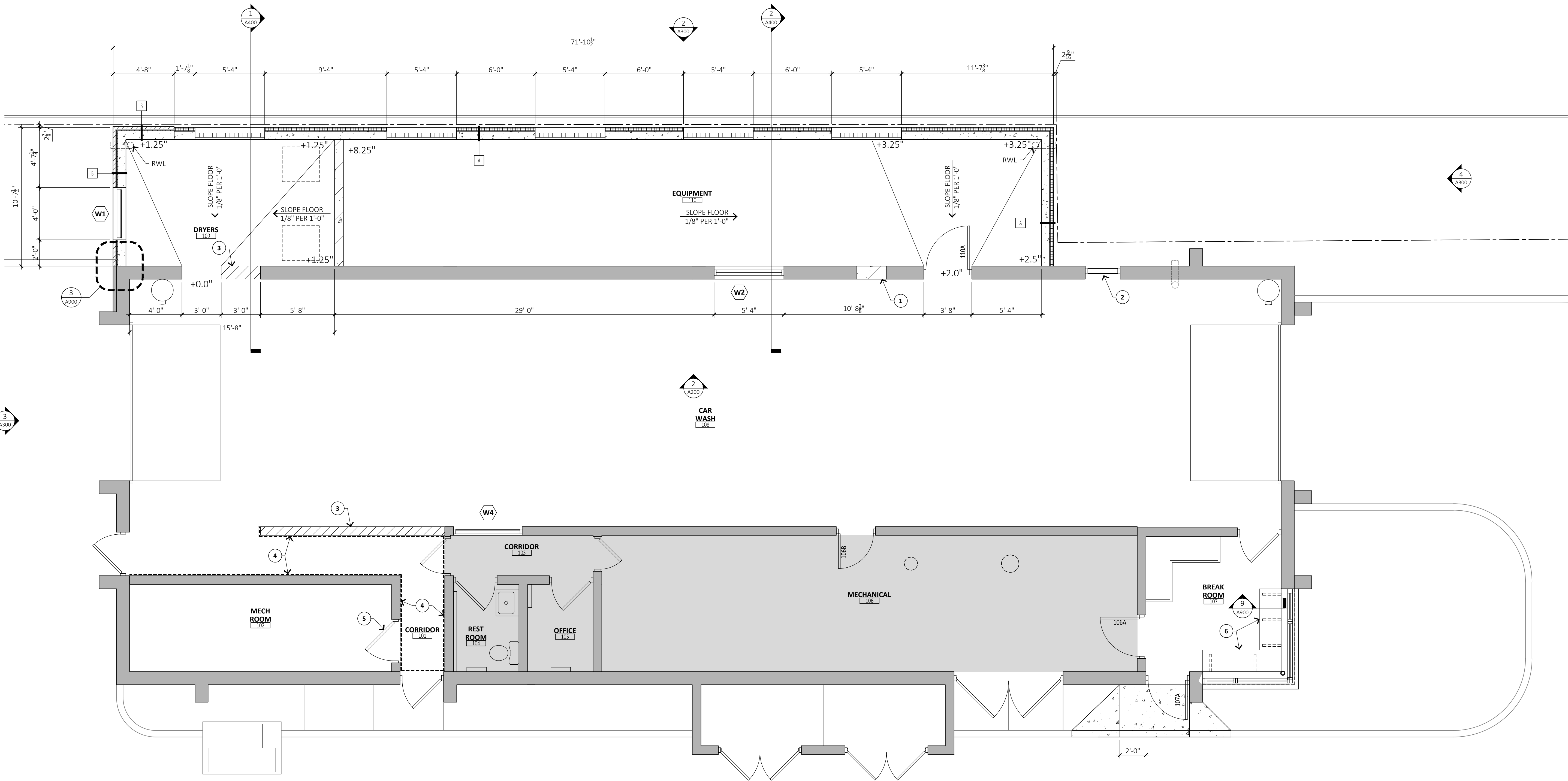
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DEMOLITION PLAN

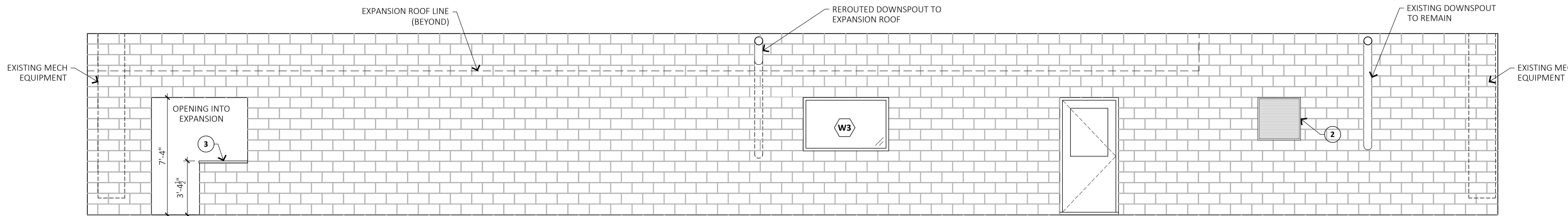
CONSTRUCTION DOCUMENTS

A100

K:\Jobs\wayzata car wash\2018 Expansion_18112\05_Dwg\Wayzata Bay Car Wash\sheet\18112.0BLE-A200 FLOOR PLAN.dwg



1
A200 **FLOOR PLAN**
1/4" = 1'-0"



2
A200 **INTERIOR ELEVATION**
1/4" = 1'-0"

GENERAL PROJECT NOTES

- OWNER FURNISHED EQUIPMENT SUPPLIERS ARE TO COORDINATE FINAL LOCATION OF EQUIPMENT AND INSTALLATION WITH THE OWNER.
- ELECTRICAL CONTRACTOR & CABLE CONTRACTOR ARE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED TO WALLS, FINISHES, CEILINGS ETC. IN THE COURSE OF THEIR CONSTRUCTION. IF CONTRACTORS BEGIN WORK IN AN AREA WITH EXISTING DAMAGE THEY ARE TO IMMEDIATELY NOTIFY THE OWNER OR ASSUME RESPONSIBILITY OF SUCH DAMAGE.
- SHADING INDICATES AREA THAT IS NOT INCLUDED IN THE SCOPE OF WORK

KEY NOTES

- INFILL OPENING MATERIAL & FINISH TO MATCH ADJACENT MATERIAL (CONC BLK)
- NEW 32"x32" FIRE-RATED MAKE-UP AIR LOUVER W/ FUSIBLE LINK.
- INSTALL NEW SOLID SURFACE WALL CAP ON HALF-WALL W/ 2" LIP. PROVIDE MOISTURE RESISTANT PLYWOOD FOR SUBSTRATE.
- INSTALL 12"x12" WALL TILE, FULL HEIGHT OF WALLS, ON WALLS INDICATED WITH DASHED LINE. WALL SURFACE IS PAINTED CONCRETE BLOCK.
- INSTALL NEW DOOR FRAME IN OPENING, REINSTALL SALVAGED DOOR.
- NEW SOLID SURFACE BENCH W/ STAINLESS STEEL SUPPORTS.

**WAYZATA BAY CAR WASH
NEW CONSTRUCTION**

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143 LAKE STREET
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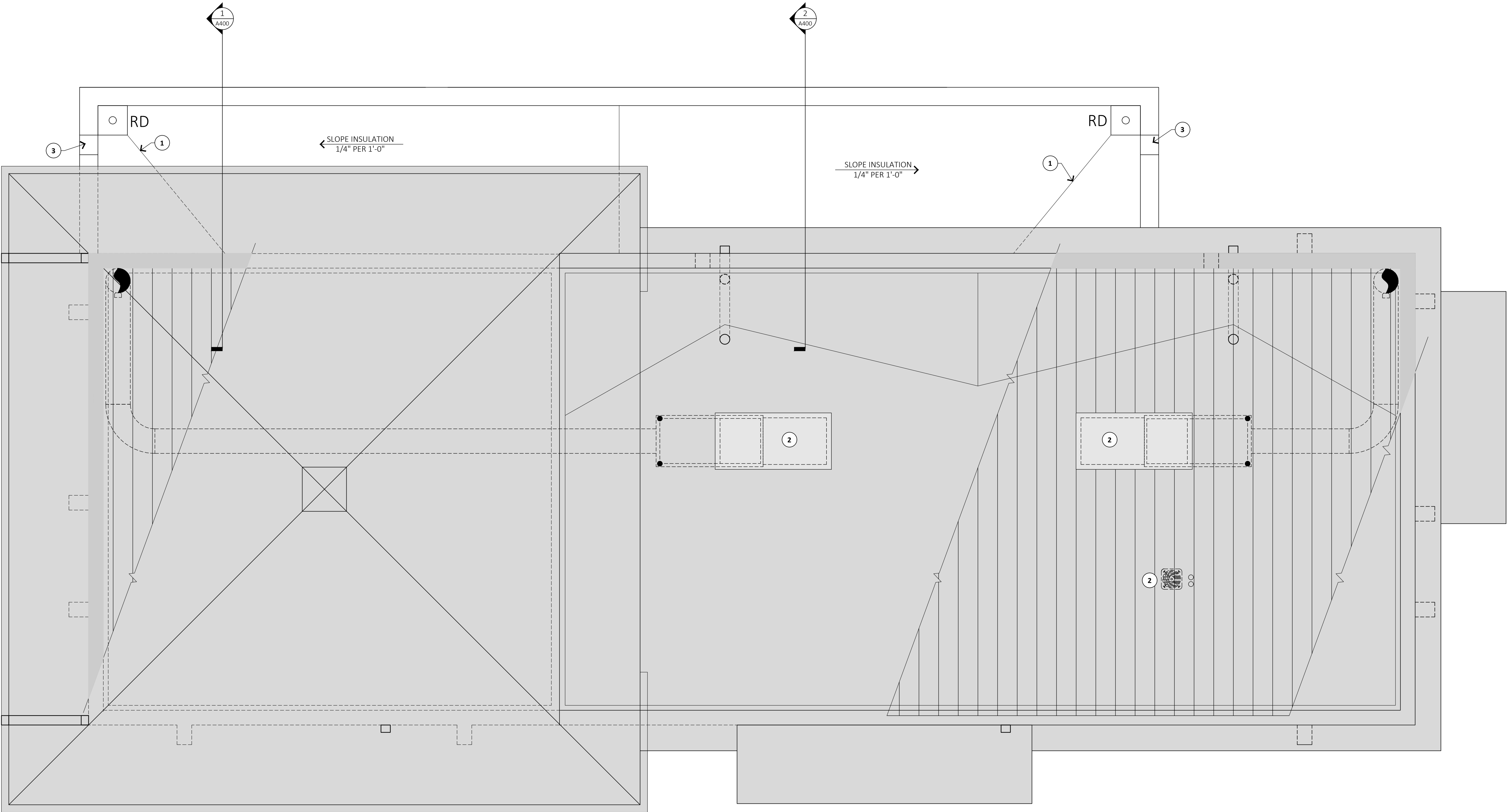
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FLOOR PLAN

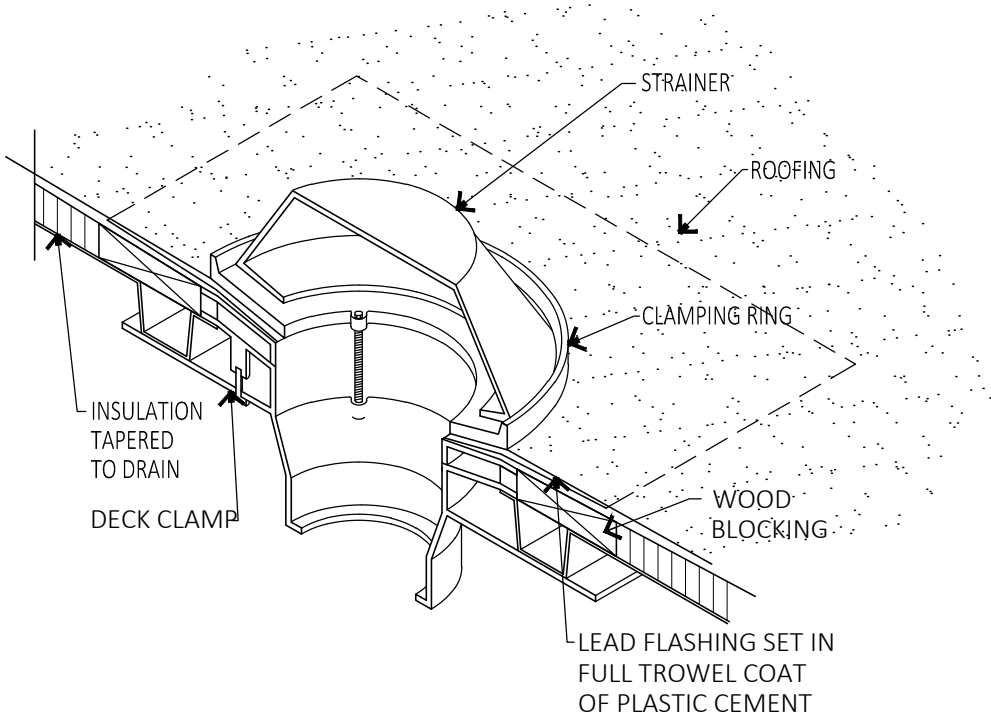
CONSTRUCTION DOCUMENTS

A200

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1
A210
ROOF PLAN
1/4" = 1'-0"



2
A210
ROOF DRAIN DETAIL
1 1/2" = 1'-0"

ROOF NOTES

1.  SHADING INDICATES EXISTING ROOF SYSTEM TO REMAIN IN PLACE UNLESS INDICATED OTHERWISE.
2. NEW ROOFING ON ADDITION TO BE FULLY ADHERED TPO WITH R-10 MINIMUM (PER ASHRAE 90.1-2010) - SEE ROOF TYPE AA ON SHEET A001.

KEY NOTES

1. $\frac{1}{4}$ " PER FOOT CRICKET.
2. EXISTING ROOFTOP EQUIPMENT TO REMAIN, TYPICAL.
3. OVERFLOW SCUPPER.

**WAYZATA BAY CAR
WASH
NEW CONSTRUCTION**

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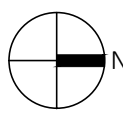
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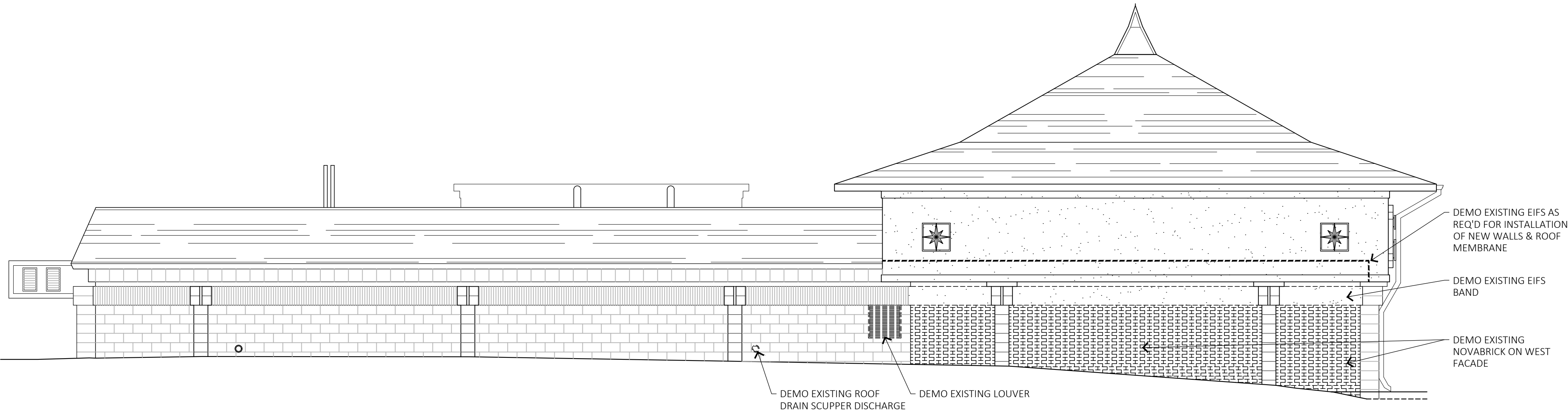
ROOF PLAN

CONSTRUCTION DOCUMENTS

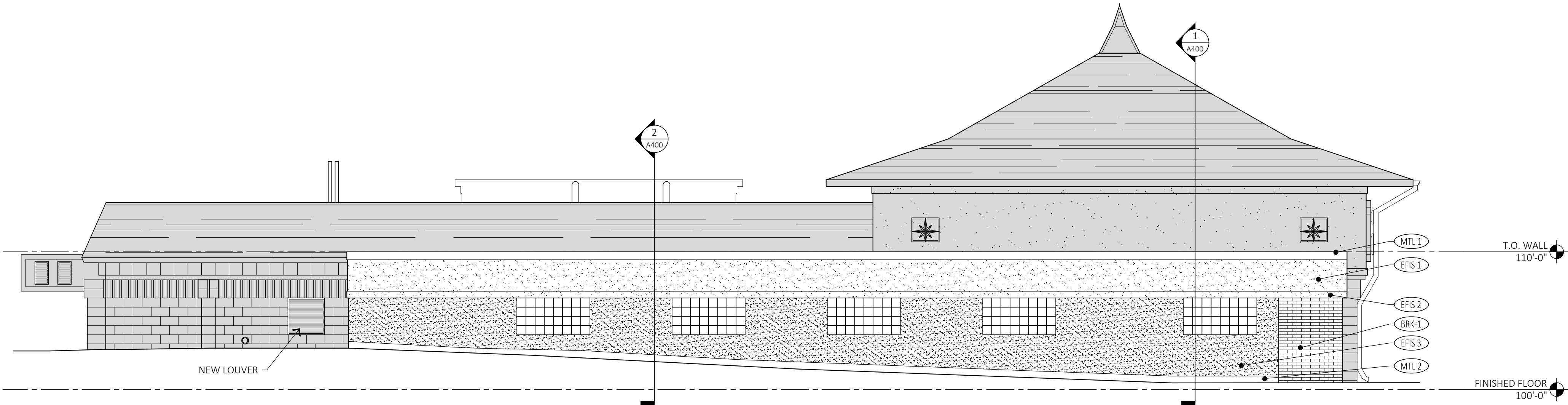


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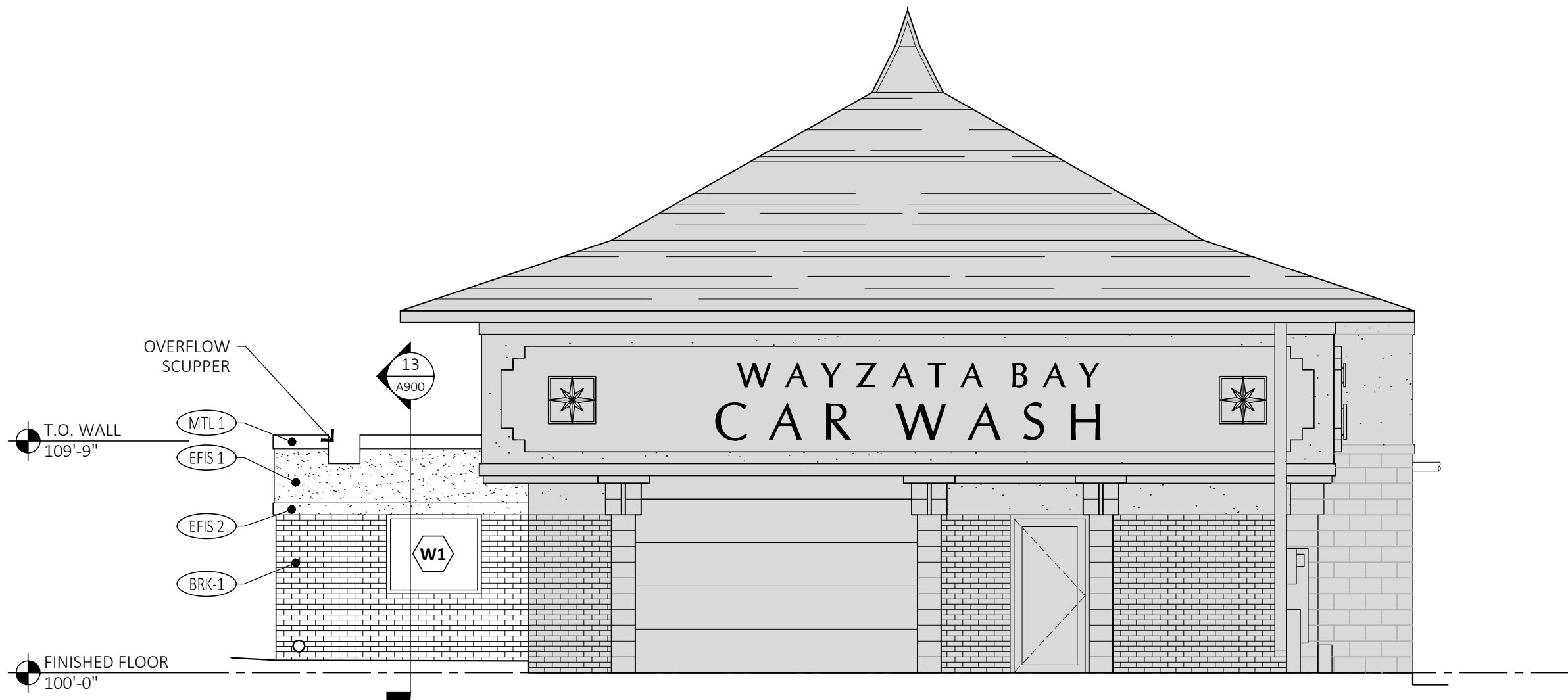
K:\jobs\wayzata car wash\2018 Expansion_1812\05_Dwg\Wayzata Bay Car Wash\sheet\18112-A300 EXISTING ELEVATIONS.dwg



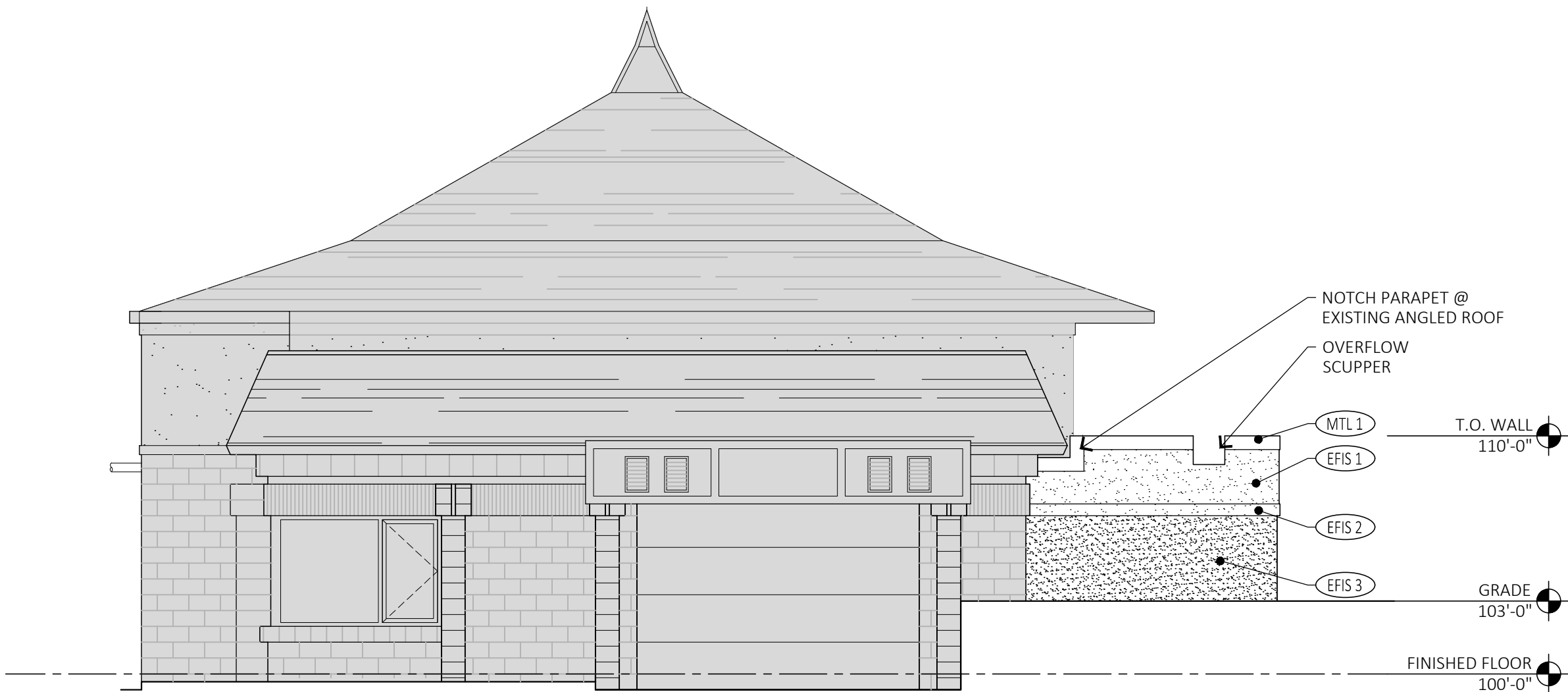
1
A300
EXISTING WEST ELEVATION
3/16" = 1'-0"



2
A300
PROPOSED WEST ELEVATION
3/16" = 1'-0"



3
A300
PROPOSED SOUTH ELEVATION
3/16" = 1'-0"



4
A300
PROPOSED NORTH ELEVATION
3/16" = 1'-0"

EXTERIOR MATERIALS

- (MTL-1) .040" FLASHING MATERIAL, FASCIA, SOFFITS, & GUTTERS; UNI-CLAD OR EQUAL; PREFINISHED COLOR: WHITE
- (MTL-2) .040" FLASHING MATERIAL, FASCIA, SOFFITS, & GUTTERS; UNI-CLAD OR EQUAL; PREFINISHED COLOR: COLOR TO MATCH EXISTING NOVABRIK VENEER
- (EIFS-1) EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: #365 IRISH COFFEE, TEXTURE: SANDPEBBLE
- (EIFS-2) EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: BENJAMIN MOORE (INTERIOR READY MIX) CAMEO WHITE / DRYVIT SPECIAL COLOR: SPT 181-79-01, TEXTURE: SANDPEBBLE
- (EIFS-3) EXTERIOR INSULATION AND FINISH SYSTEM; DRYVIT OR EQUAL; COLOR: TO MATCH EXISTING NOVABRIK VENEER, TEXTURE: SANDPEBBLE
- (BRK-1) BRICK-1; SALVAGED EXISTING NOVABRIK - MORTARLESS INTERLOCKING BRICK; NOVA BRIK; COLOR: WALNUT

WAYZATA BAY CAR WASH NEW CONSTRUCTION

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

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EXTERIOR ELEVATIONS

CONSTRUCTION DOCUMENTS

N
A300

**WAYZATA BAY CAR
WASH
143 LAKE STREET
WAYZATA, MN 55391**

PROJECT NAME



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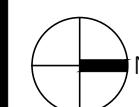
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BUILDING SECTIONS

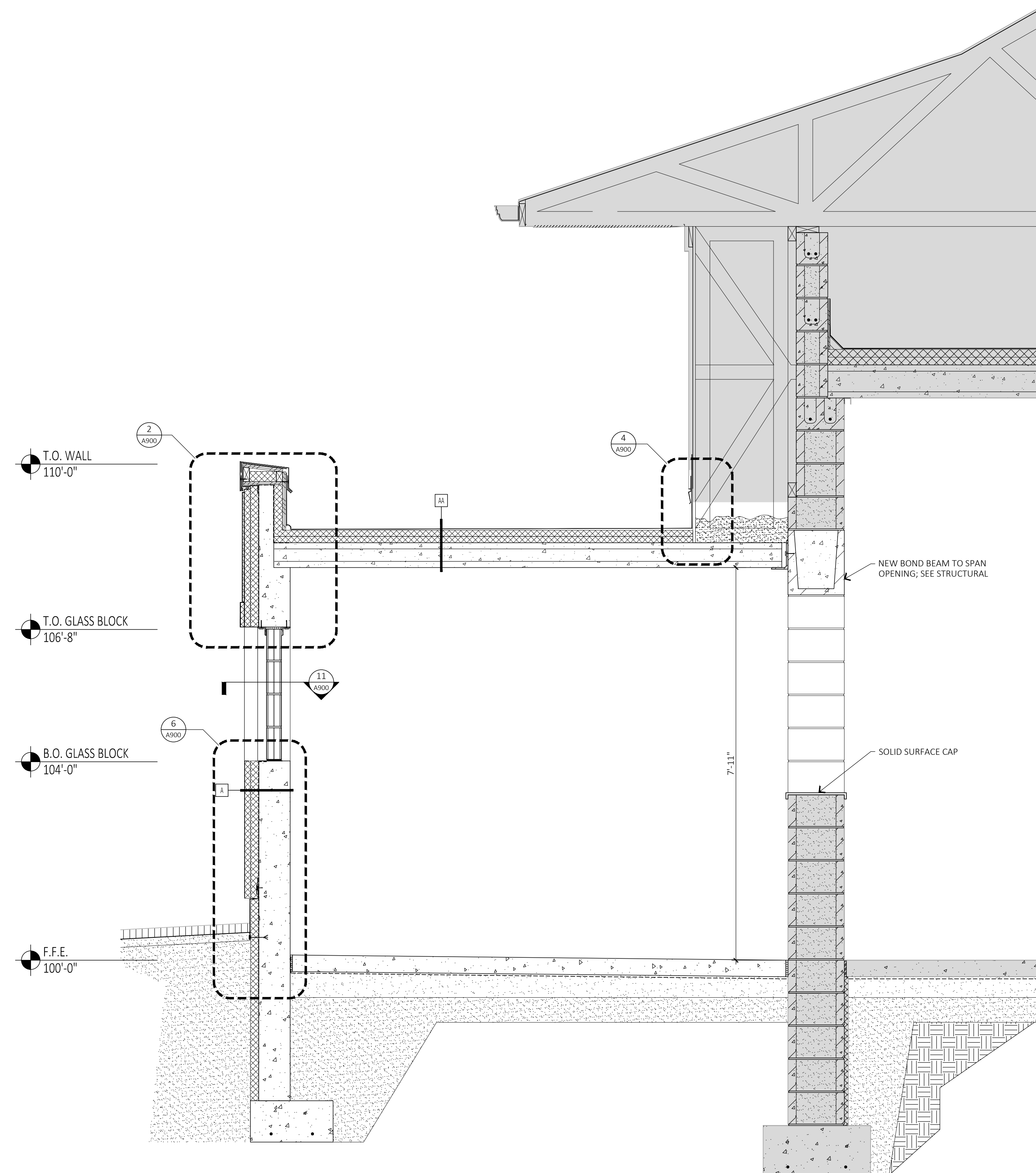
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ESVHC

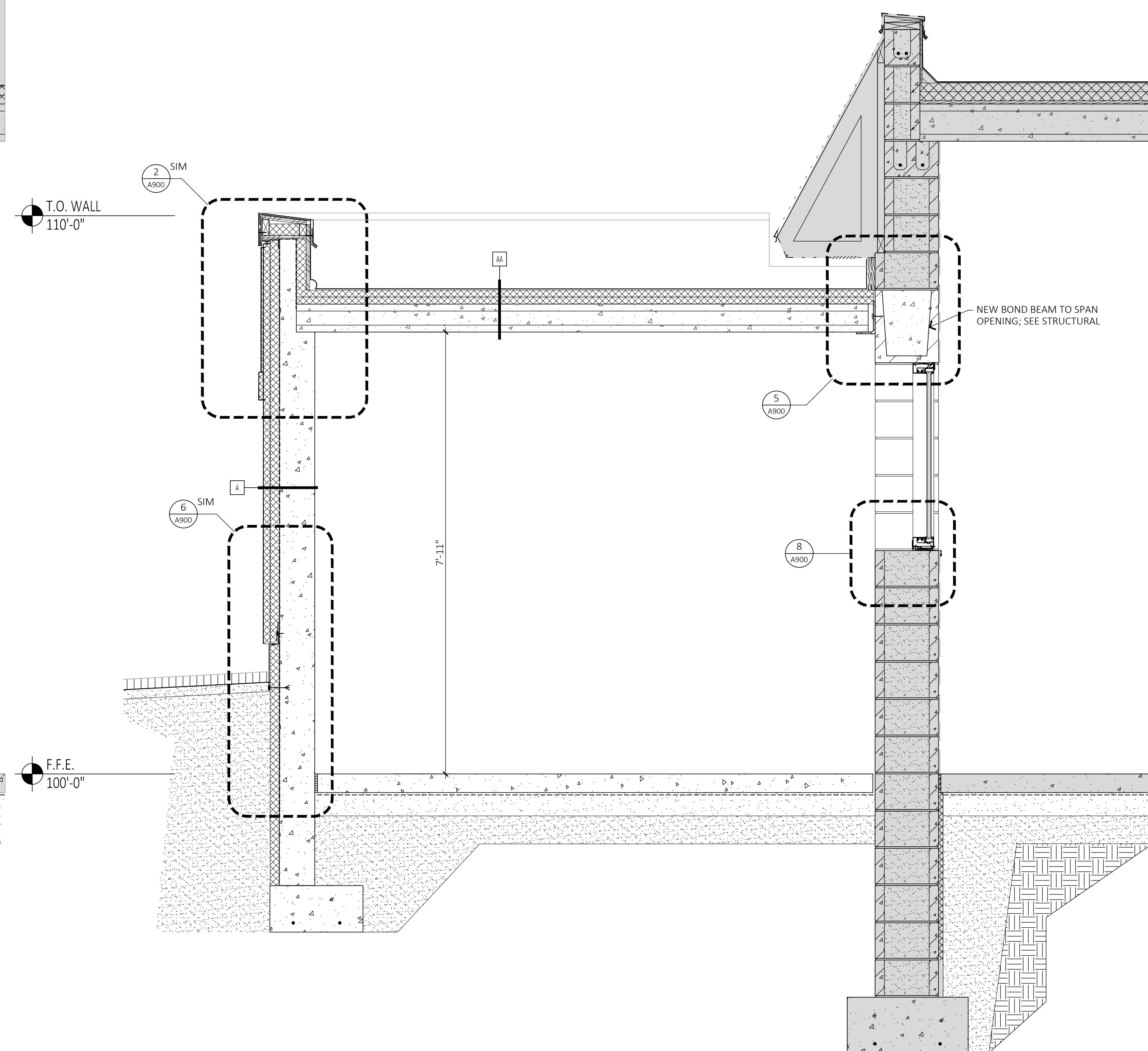
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A400

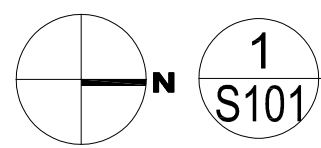


1 BUILDING SECTION @ HIGH ROOF
A400 $3/4" = 1'-0"$



2 BUILDING SECTION @ LOW ROOF
A400 3/4" = 1'-0"

(\\jobs\\wayzata car wash\\2018 Expansion_18112\\05_Dwg\\Wayzata Bay Car Wash\\sheets\\18112.0BLE-A400 BUILDING SECTION.dwg



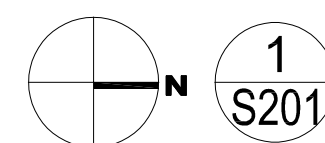
SCALE: 1/4"=1'-0"

1. VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
2. SEE ARCH DRAWINGS FOR SIZE AND LOCATION OF ALL WALL OPENINGS.
3. FLOOR SLAB SHALL BE 4" MINIMUM CONCRETE SLAB ON GRADE W/ 6x6-WY1.4xWY1.4 W/F. FINISHED FLOOR ELEVATION (FFE) = SEE PLAN, SEE ARCH FOR SLOPES
4. TOP OF EXTERIOR FOOTING ELEVATION (TFE) =SEE PLAN
5. S——S ON PLAN DENOTES STEPPED FOOTING. SEE SECTION 1/S301.
6. SEE DETAIL 2/301 FOR DROPPED FOOTING AT ALL UNDERGROUND MECHANICAL LINES ENTERING BUILDING.
7. SEE DETAILS 11/S301 AND 12/S301 FOR TYPICAL FOUNDATION WALL JOINTS AND CORNER REINFORCING.
8. (JM) ON PLAN DENOTES MASONRY JAMB. SEE JAMB REINFORCING SCHEDULE ON THIS SHEET.
9. PROTECT EXISTING BUILDING FOUNDATION DURING NEW CONSTRUCTION. SHORE AS REQUIRED.

- A** STEP TOP OF FOOTING TO MATCH EXISTING TOP OF FOOTING ELEVATION (TFE) PER 1/S301.
- B** CONCRETE BLOCK WALL INFILL, SEE ARCH.
- C** LOCATE FOOTING STEPS AS REQUIRED TO MAINTAIN 42" COVER FROM GRADE TO BOTTOM OF FOOTING.

JAMB REINFORCING SCHEDULE							
MARK	VERT REINF	WALL LENGTH	START	TERMINATING REINF		END	REMARKS
				VERTS	LOCATION		
J1	—	8"	FFE	—	—	T/O LTL	PROVIDE FULL GROUT BELOW LTL

S101



SCALE: 1/4"=1'-0"

ROOF FRAMING PLAN NOTES:

1. VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
2. ROOF STRUCTURE IS NOT DESIGNED FOR MECHANICAL EQUIPMENT LOADS. CONTACT A LICENSED PROFESSIONAL ENGINEER FOR REVIEW PRIOR TO PLACING ANY EQUIPMENT ON ROOF.
3. PRECAST PLANK ROOF SUPER-IMPOSED DESIGN LOADS ARE AS FOLLOWS:
 - A. DEAD LOAD= 10 PSF (+ PLANK)
 - B. SNOW LOAD= 35 PSF
 - C. ADDITIONAL SNOW LOAD AS SHOWN ON PLAN THIS: 
4.  ON PLAN DENOTES LINTEL. SEE LINTEL SCHEDULE ON THIS SHEET.

ROOF FRAMING KEYNOTES:

- A** PROVIDE (2) CONT #4 BARS ABOVE WALL OPENING, SEE GENERAL NOTES FOR REQUIRED LAP LENGTH EACH SIDE OF OPENING. PROVIDE EXTRA VERTICAL REINFORCING AT EACH SIDE OF OPENING AND DIAGONAL BARS AT OPENING CORNERS PER GENERAL NOTES.

LINTEL SCHEDULE			
MARK	REFERENCE	MEMBER	REMARKS
(L1)	7/S301	16"H x WALL WIDTH BOND BM W/ (2) #5 BOT	

LINTEL SCHEDULE NOTES:

1. SEE GENERAL MASONRY NOTES ON SHEET S001 AND FOUNDATION PLAN FOR REINFORCING NOT LISTED IN LINTEL SCHEDULE.
2. SEE GENERAL MASONRY NOTES ON SHEET S001 FOR ALL OTHER OPENINGS NOT LISTED IN LINTEL SCHEDULE.
3. VERIFY ALL SPANS OF OPENINGS AND WALL THICKNESSES WITH ARCH DRAWINGS. NOTIFY ARCHITECT/ENGINEER OF DEVIATIONS PRIOR TO FABRICATION AND ERECTION.

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

ARCHITECT

MH

MOHAGEN HANSEN
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 Albertville, MN 55301
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I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MINNESOTA.



ROBERT HUTCHINSON, P.E.

REGISTRATION NUMBER: 26828

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PROJECT NUMBER: **85218**

DRAWN BY: DB

CHECKED BY: R. HUTCHINSON

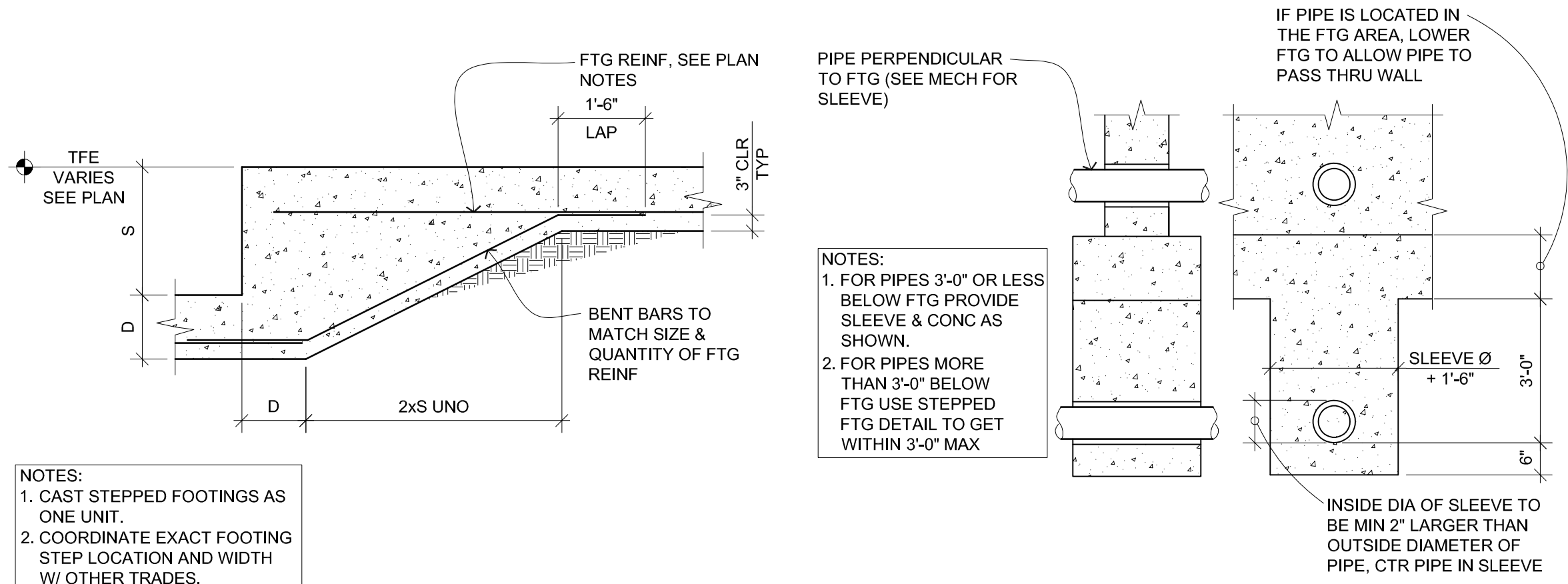
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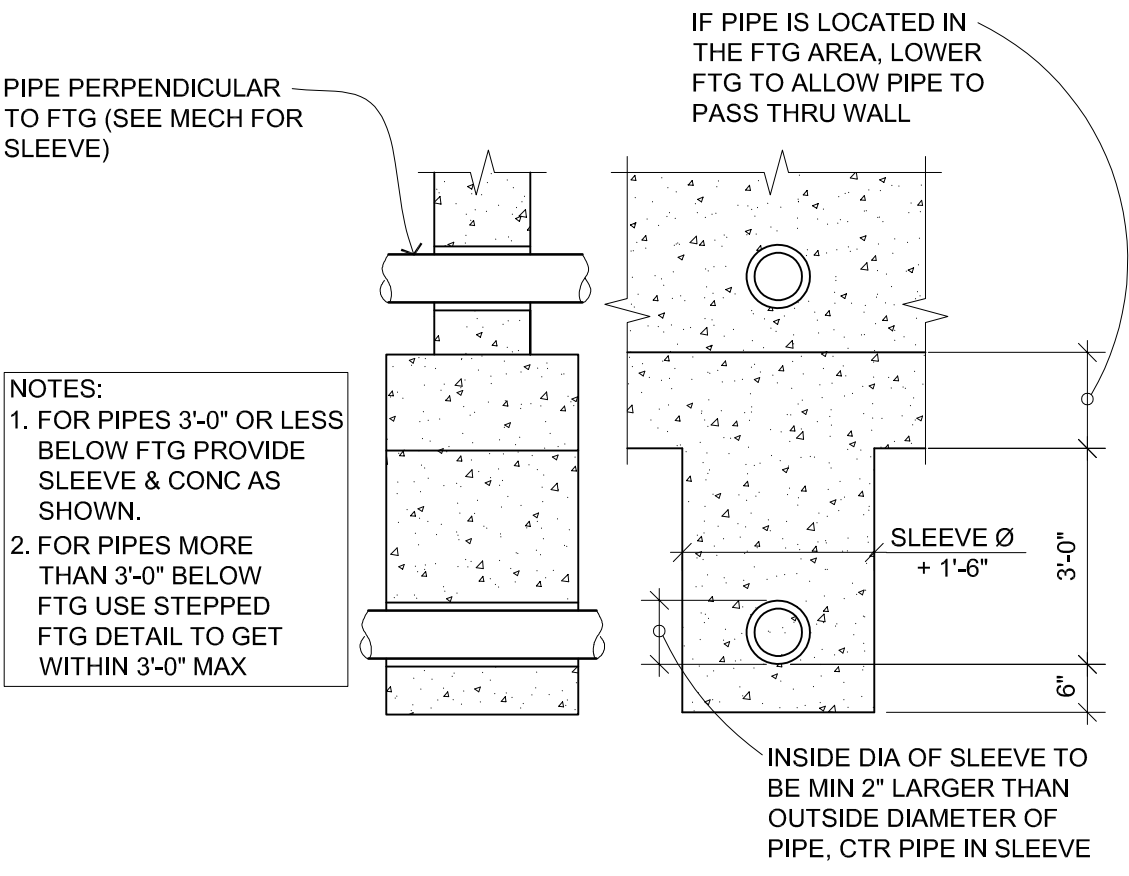
PARTIAL ROOF FRAMING PLAN

CONSTRUCTION DOCUMENTS

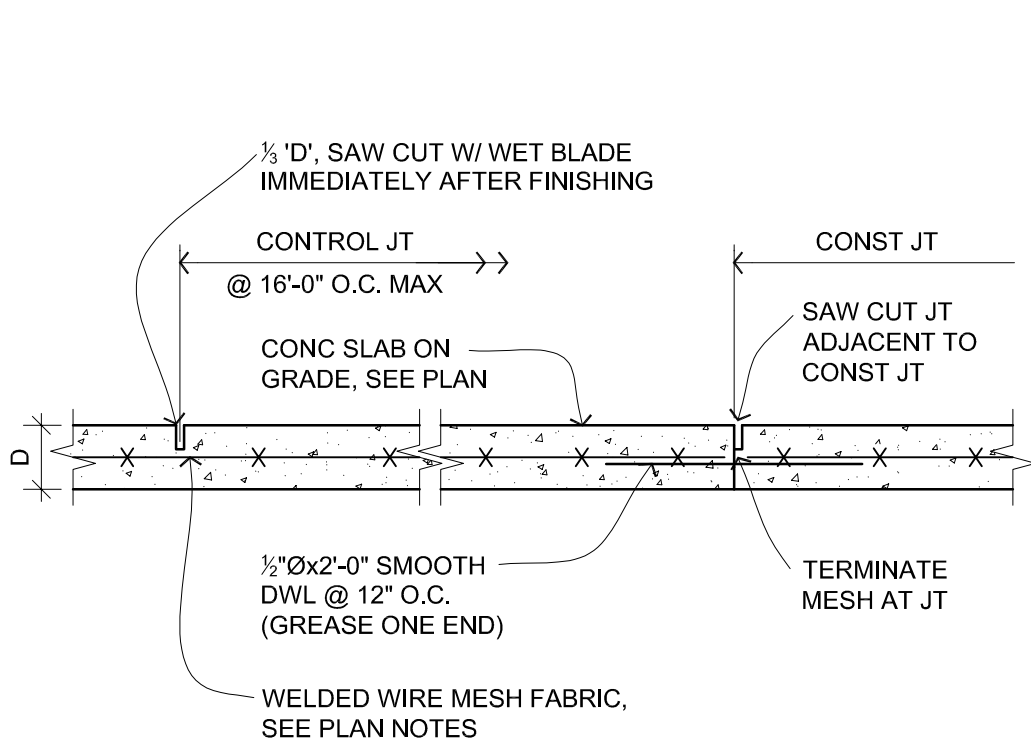
S201



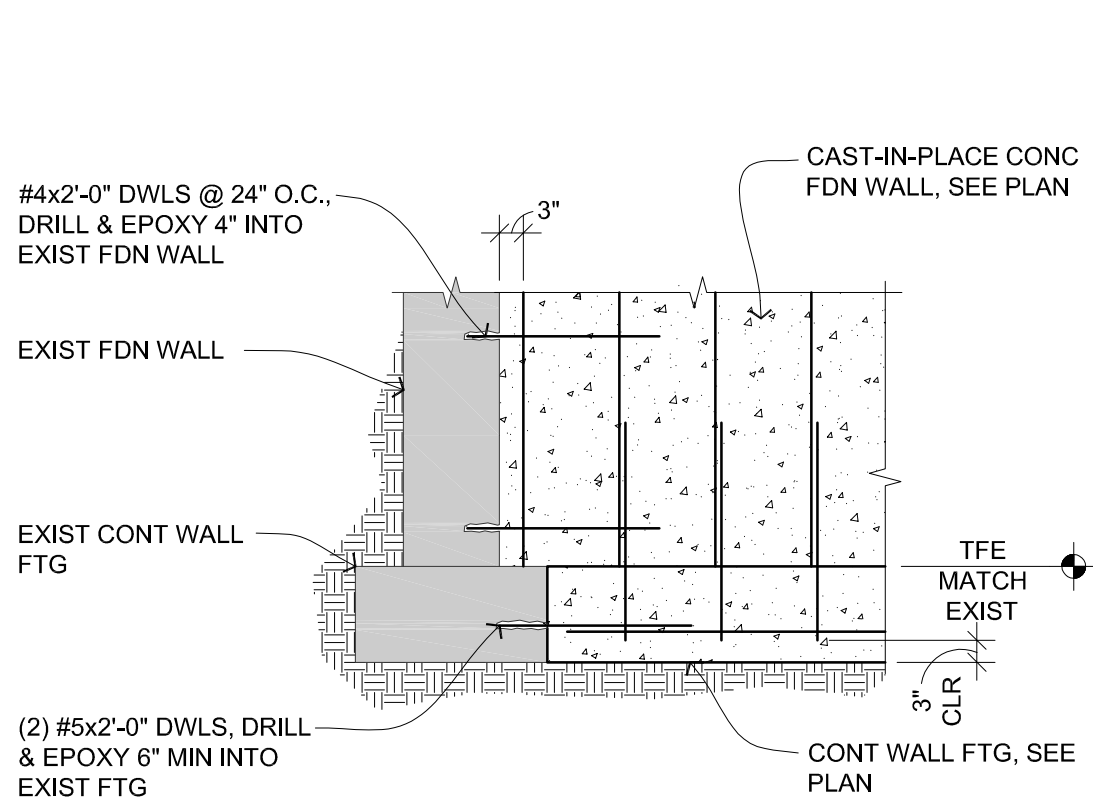
1 SECTION
S301 STEPPED FOOTING 1/2"=1'-0"



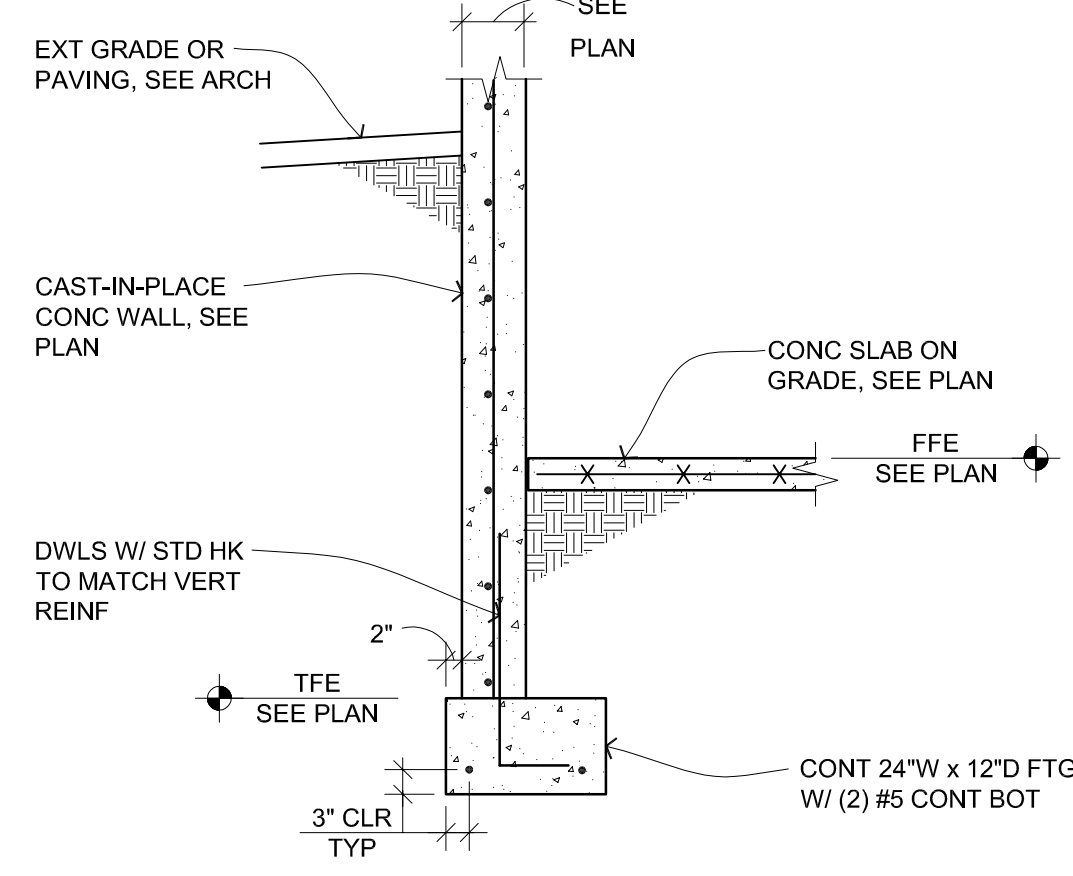
2 DETAIL
S301 WALL FTG @ UNDERGROUND LINES NO SCALE



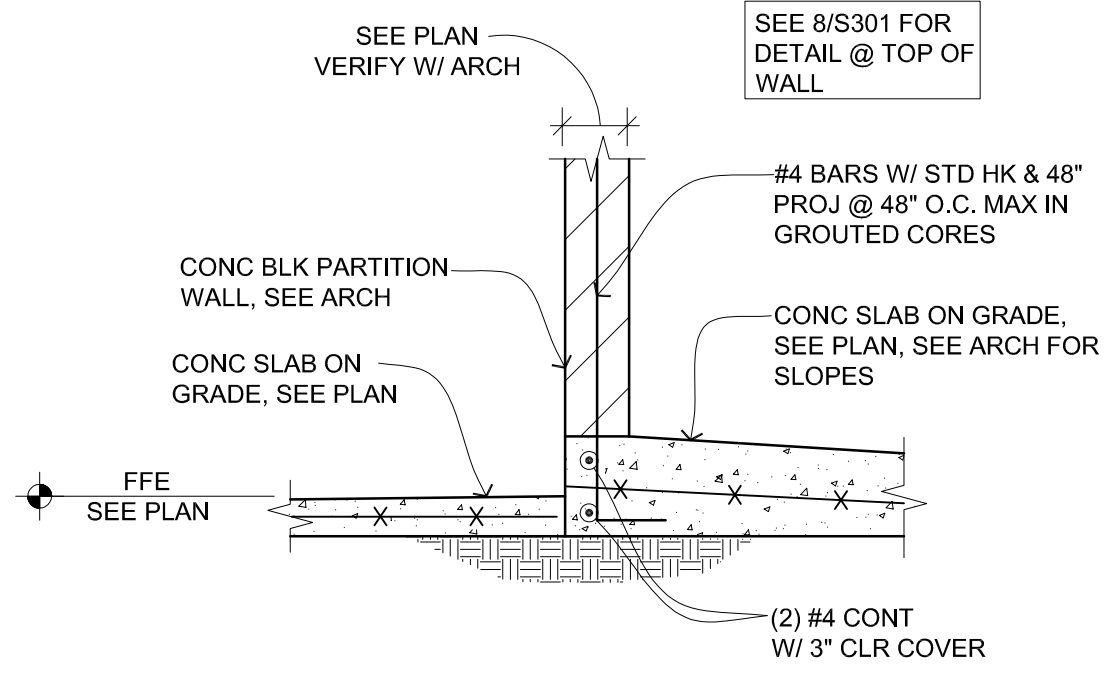
3 SECTION
S301 TYP CONTROL/CONST JT NO SCALE



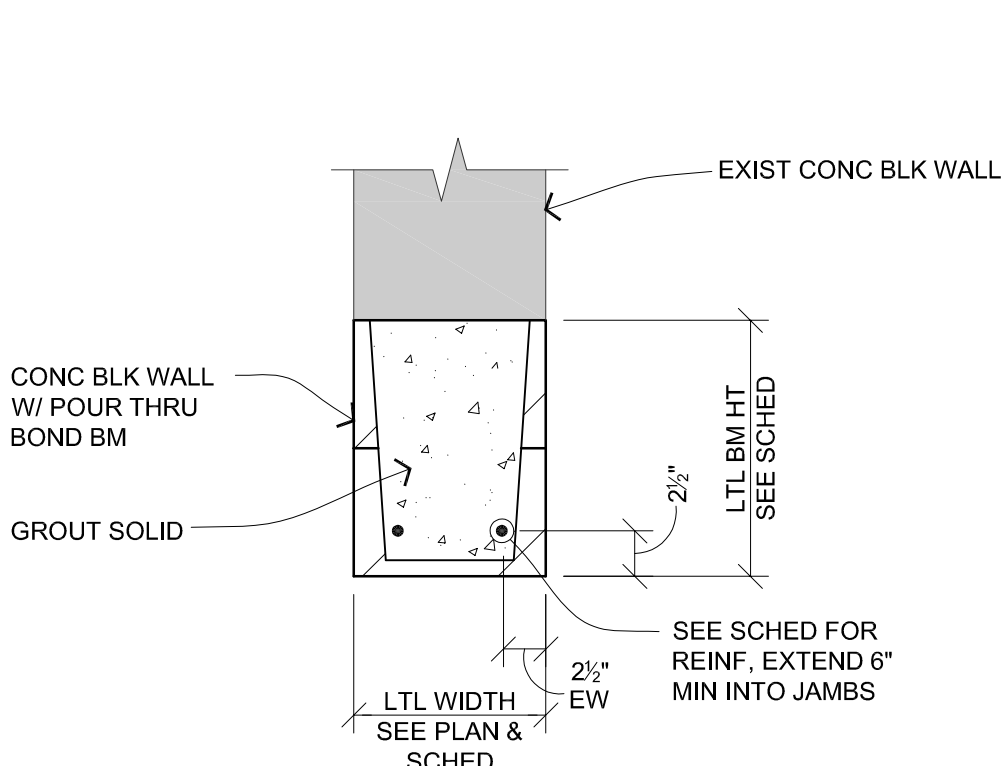
4 SECTION
S301 NEW WALL & FTG TO EXIST CONN 1/2"=1'-0"



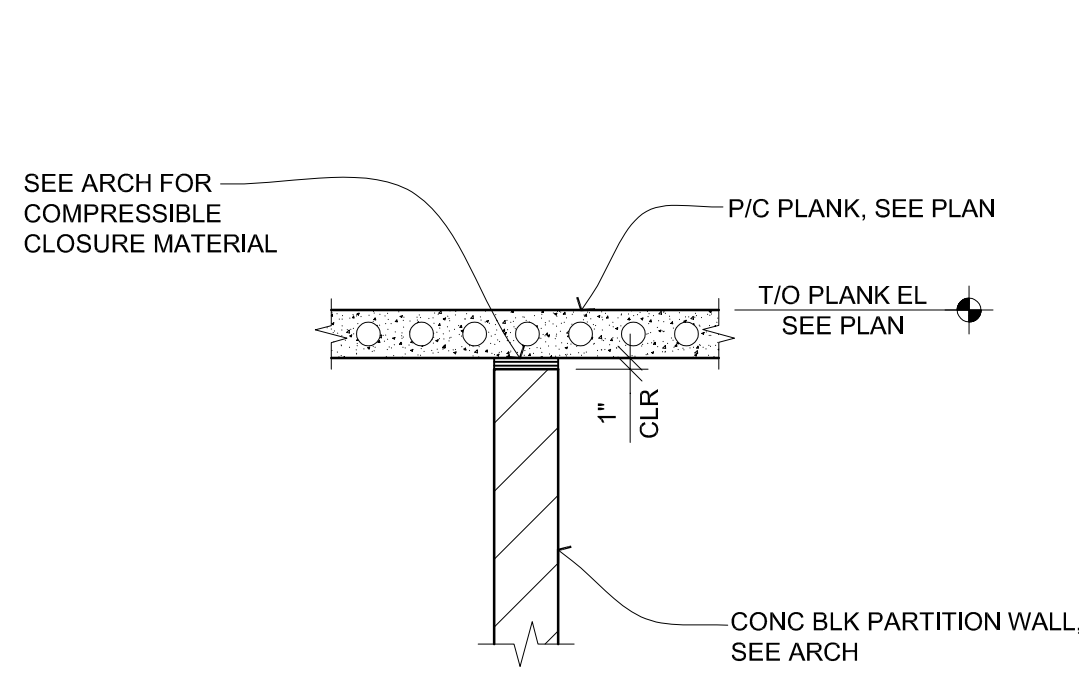
5 SECTION
S301 TYP EXT CIP CONC WALL 1/2"=1'-0"



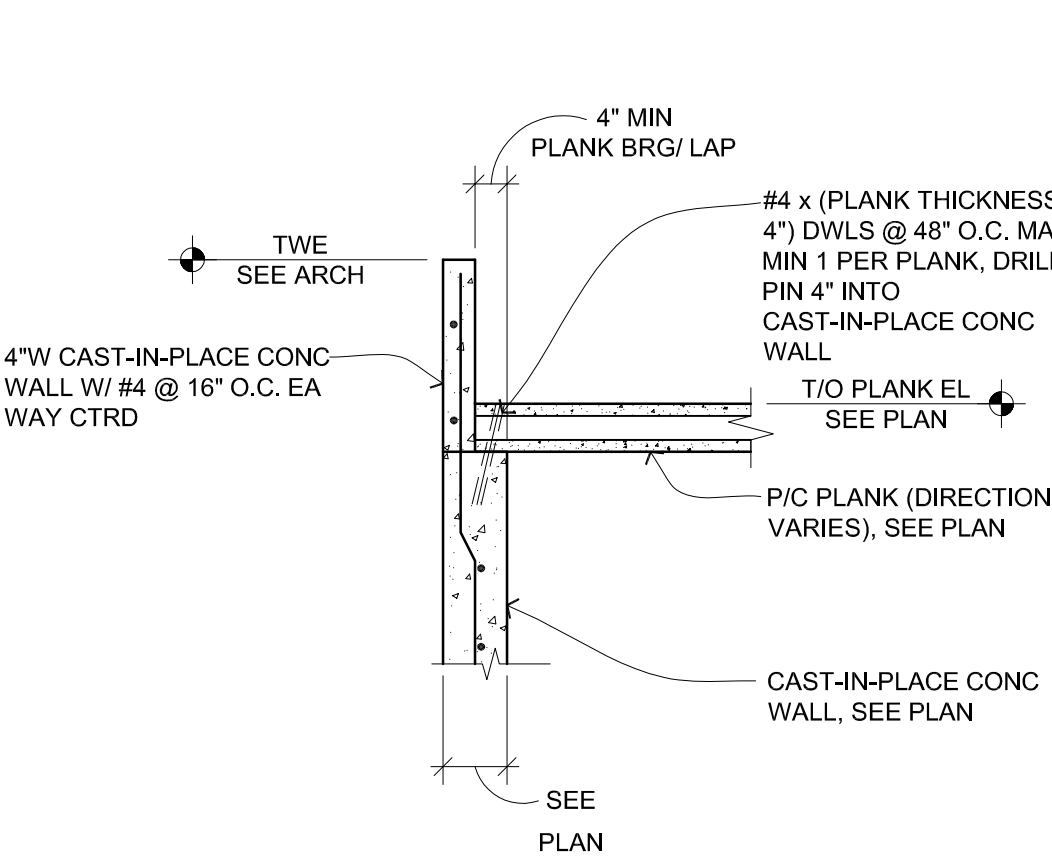
6 DETAIL
S301 THICKENED SLAB @ CONC BLK PARTITION WALL 1/2"=1'-0"



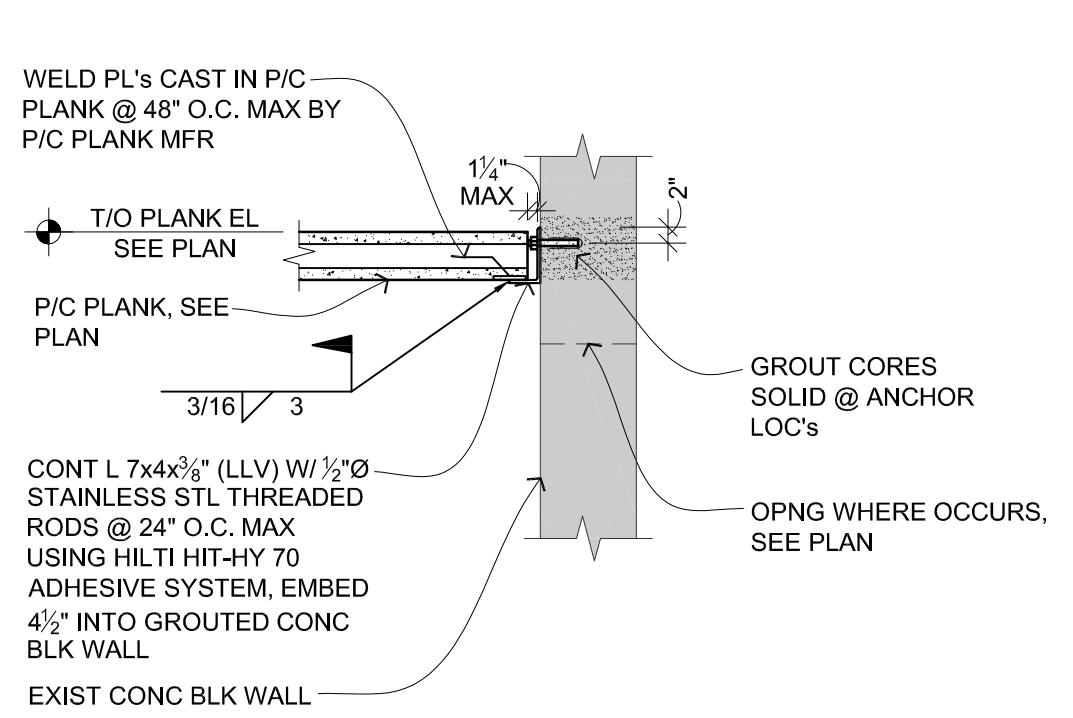
7 DETAIL
S301 CONC BLK LTL 1"=1'-0"



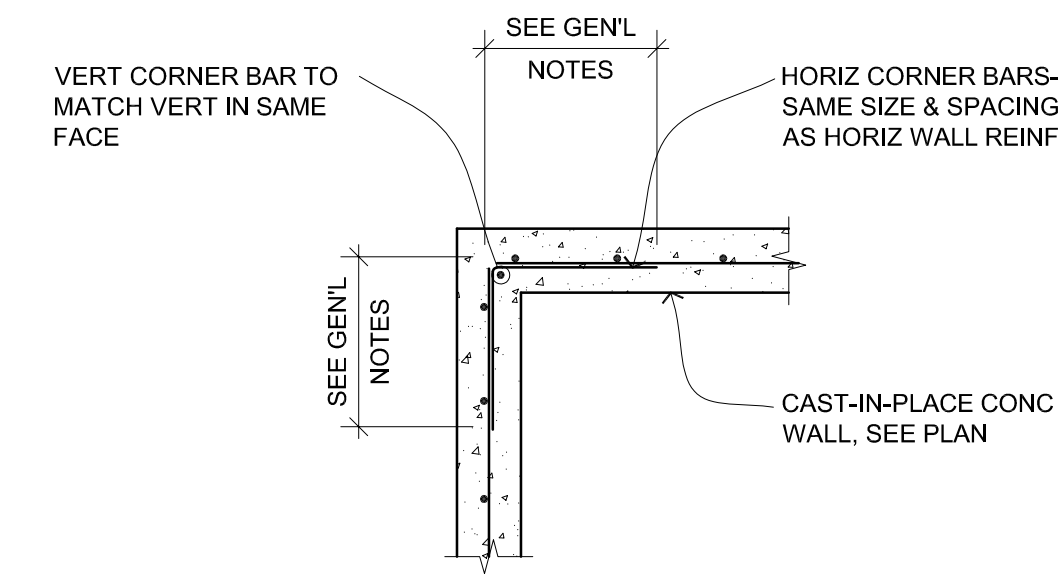
8 SECTION
S301 INT NON-BRG CONC BLK WALL 1/2"=1'-0"



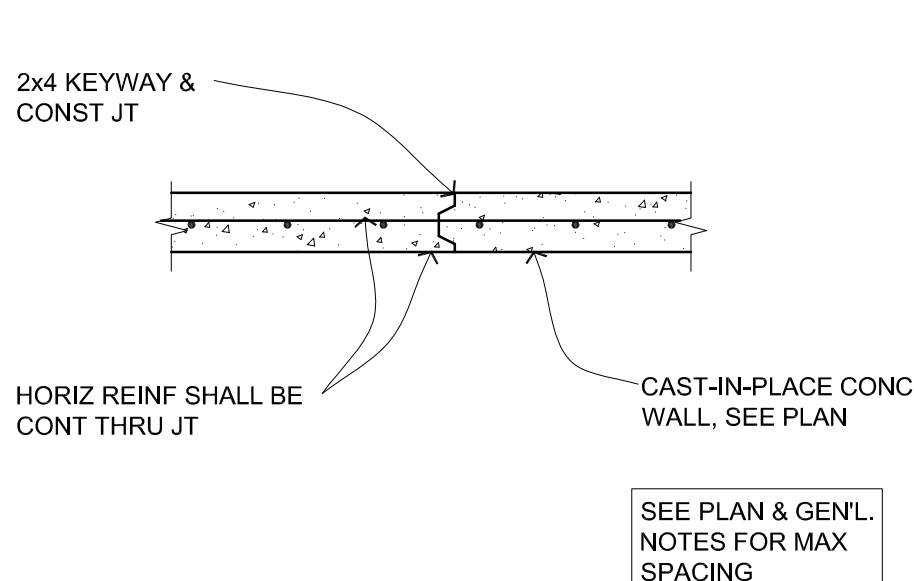
9 SECTION
S301 P/C PLANK BRG/ LAP @ CIP CONC WALL 1/2"=1'-0"



10 SECTION
S301 P/C PLANK BRG @ EXIST CONC BLK WALL 1/2"=1'-0"



11 PLAN DETAIL
S301 TYP WALL CORNER 1/2"=1'-0"



12 PLAN DETAIL
S301 WALL CONSTRUCTION JOINT 1/2"=1'-0"

WAYZATA BAY CAR WASH
NEW CONSTRUCTION

WAYZATA BAY CAR WASH
143 LAKE STREET
WAYZATA, MN 55391

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NO.	DESCRIPTION	DATE

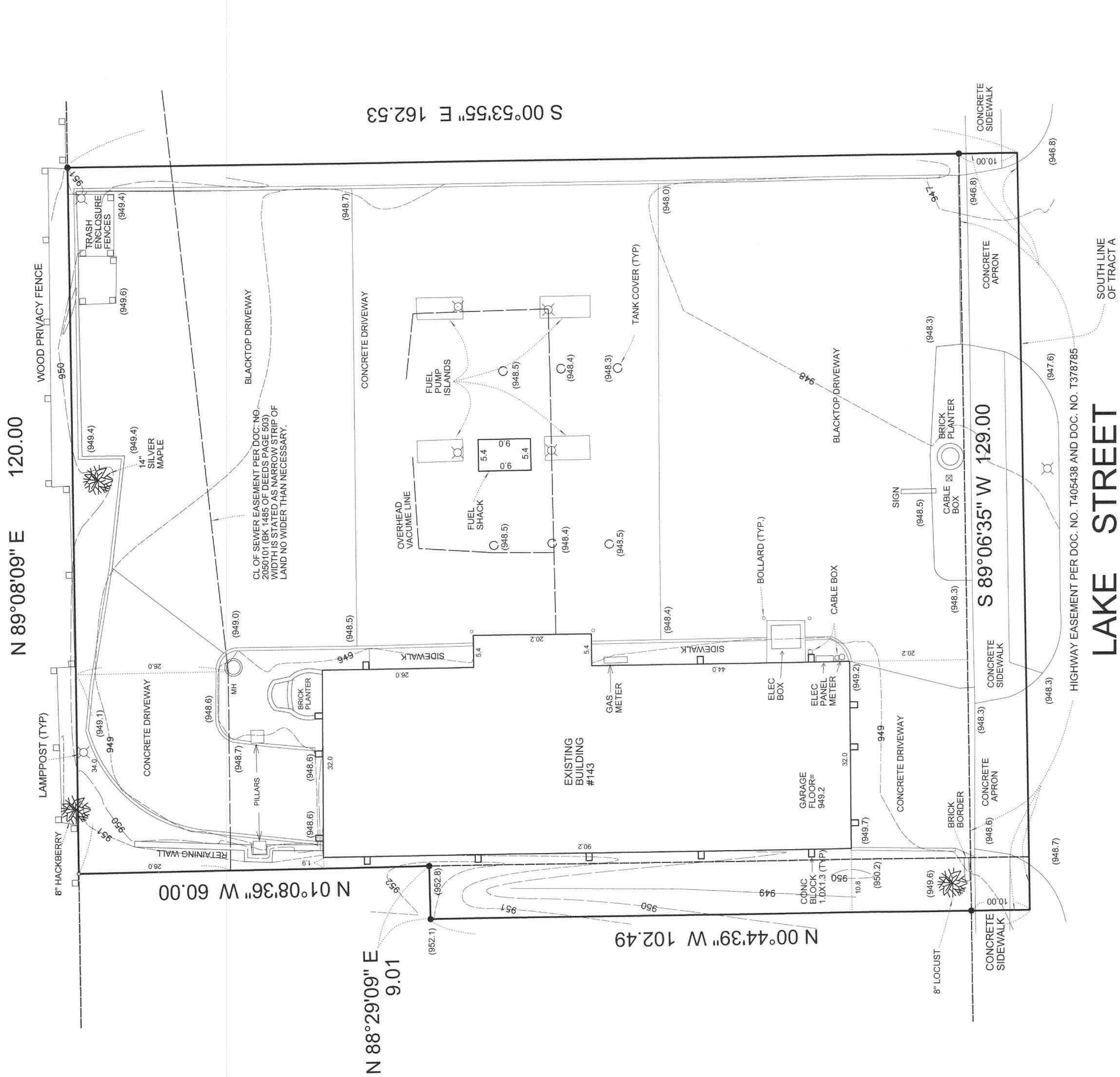
DRAWING INFORMATION
PROJECT NUMBER: 85218
DRAWN BY: DB
CHECKED BY: R. HUTCHINSON
DATE: 05-07-2018
COMPUTER DIRECTORY:

SECTIONS AND DETAILS

CONSTRUCTION DOCUMENTS

S301

BOUNDARY AND TOPOGRAPHIC SURVEY FOR
WAYZATA BAY CAR WASH
IN TRACT A RLS NO. 1244
HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMESIS:

Tract A RLS NO. 1244 and the easterly half of the alley vacated by Doc. No. A10324530.

- : Denotes found iron marker
- : Denotes set iron marker
- 949— : Denotes existing contour line
- (949.0) : Denotes existing spot elevation

This survey intends to show the boundaries of the above described property, existing buildings, topography, and visible utilities thereon. It does not purport to show any other encroachments or improvements.

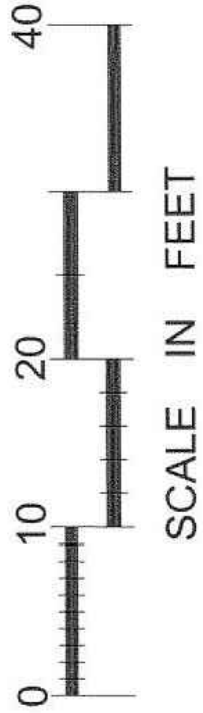
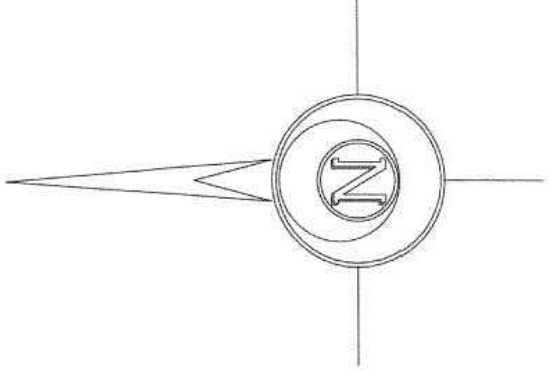
Bearings are based upon an assumed datum.

HARDCOVER CALCULATIONS:

BITUMINOUS DRIVE	7378 +- S.F.
CONCRETE DRIVE	5711 +-
CONCRETE SIDEWALK	230 +-
MAIN BUILDING	3017 +-
PILLARS	10 +-
RETAINING WALL	37 +-
BORDER	3 +-
PLANTER	64 +-
FUEL SHACK	48 +-
TOTAL	16498 +-

LOT (EXCL. LAKE ST. ESMT.) 19120 +-

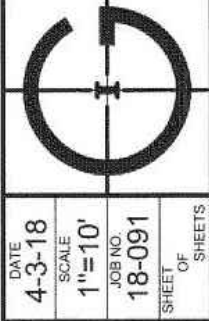
TOTAL = 16498 / 19120 = 86.29%



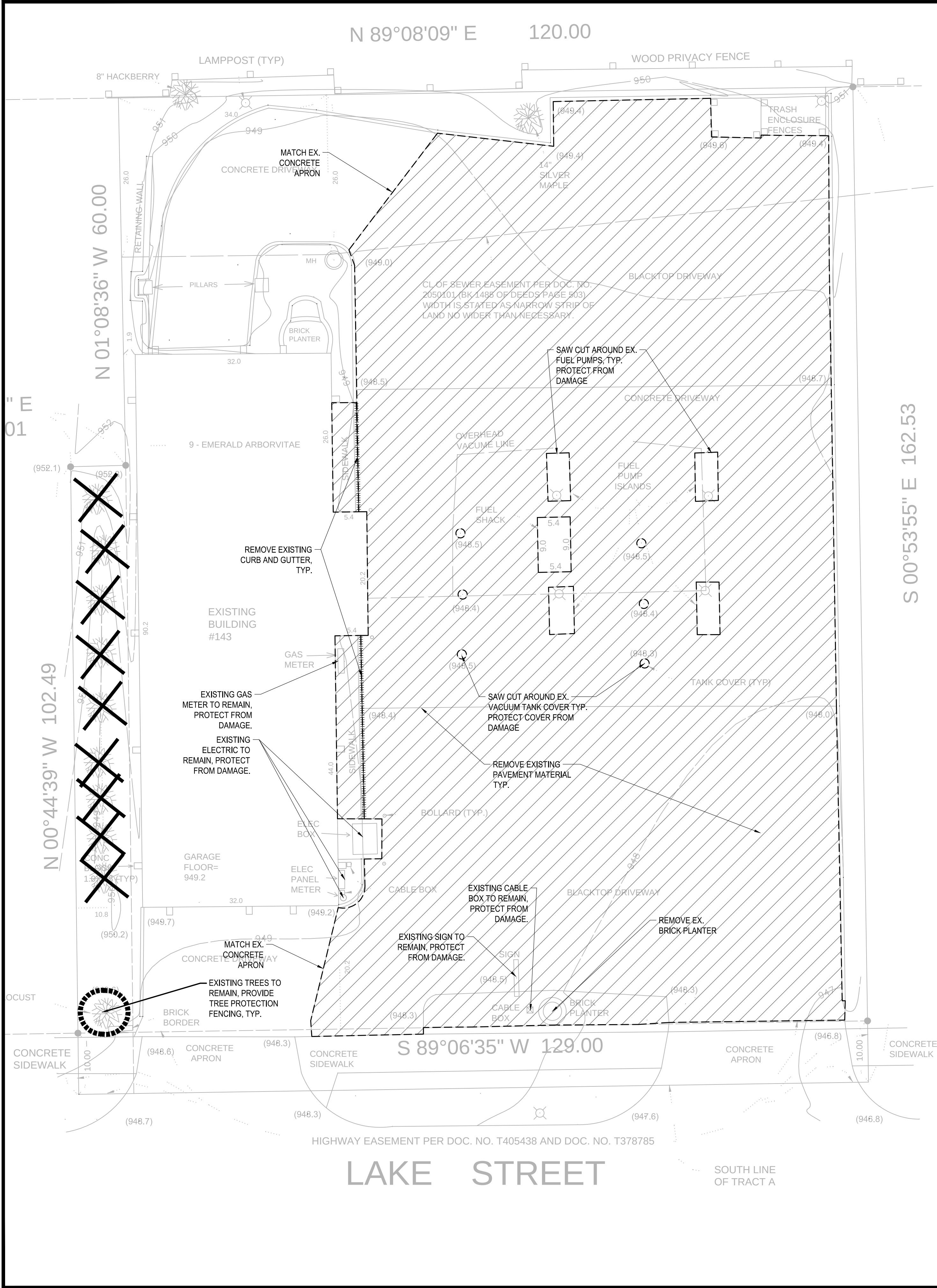
REVISION SUMMARY	
DATE	DESCRIPTION

DESIGNED	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota.
DRAWN	
CHECKED	

DATE 4-2-18 MINN. LICENSE NUMBER 127557



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



- REMOVAL NOTES:
- SEE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PLAN FOR CONSTRUCTION STORM WATER MANAGEMENT PLAN.
 - REMOVAL OF MATERIALS NOTED ON THE DRAWINGS SHALL BE IN ACCORDANCE WITH MNDOT, STATE AND LOCAL REGULATIONS.
 - REMOVAL OF PRIVATE UTILITIES SHALL BE COORDINATED WITH UTILITY OWNER PRIOR TO CONSTRUCTION ACTIVITIES.
 - EXISTING PAVEMENTS SHALL BE SAWCUT IN LOCATIONS AS SHOWN ON THE DRAWINGS OR THE NEAREST JOINT FOR PROPOSED PAVEMENT CONNECTIONS.
 - REMOVED MATERIALS SHALL BE DISPOSED OF TO A LEGAL OFF-SITE LOCATION AND IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
 - ABANDON, REMOVAL, CONNECTION, AND PROTECTION NOTES SHOWN ON THE DRAWINGS ARE APPROXIMATE. COORDINATE WITH PROPOSED PLANS.
 - EXISTING ON-SITE FEATURES NOT NOTED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT.
 - PROPERTY LINES SHALL BE CONSIDERED GENERAL CONSTRUCTION LIMITS UNLESS OTHERWISE NOTED ON THE DRAWINGS. WORK WITHIN THE GENERAL CONSTRUCTION LIMITS SHALL INCLUDE STAGING, DEMOLITION AND CLEAN-UP OPERATIONS AS WELL AS CONSTRUCTION SHOWN ON THE DRAWINGS.
 - MINOR WORK OUTSIDE OF THE GENERAL CONSTRUCTION LIMITS SHALL BE ALLOWED AS SHOWN ON THE PLAN AND PER CITY REQUIREMENTS.
 - DAMAGE BEYOND THE PROPERTY LIMITS CAUSED BY CONSTRUCTION ACTIVITY SHALL BE REPAIRED IN A MANNER APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
 - PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON THE DRAWINGS AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
 - SITE SECURITY MAY BE NECESSARY AND PROVIDED IN A MANNER TO PROHIBIT VANDALISM, AND THEFT, DURING AND AFTER NORMAL WORK HOURS, THROUGHOUT THE DURATION OF THE CONTRACT. SECURITY MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
 - VEHICULAR ACCESS TO THE SITE SHALL BE MAINTAINED FOR DELIVERY AND INSPECTION ACCESS DURING NORMAL OPERATING HOURS. AT NO POINT THROUGHOUT THE DURATION OF THE CONTRACT SHALL CIRCULATION OF ADJACENT STREETS BE BLOCKED WITHOUT APPROVAL BY THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
 - ALL TRAFFIC CONTROLS SHALL BE PROVIDED AND ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL REMAIN OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
 - SHORING FOR BUILDING EXCAVATION MAY BE USED AT THE DISCRETION OF THE CONTRACTOR AND AS APPROVED BY THE OWNERS REPRESENTATIVE AND THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.
 - STAGING, DEMOLITION, AND CLEAN-UP AREAS SHALL BE WITHIN THE PROPERTY LIMITS AS SHOWN ON THE DRAWINGS AND MAINTAINED IN A MANNER AS REQUIRED BY THE CITY.

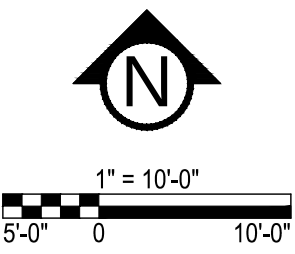
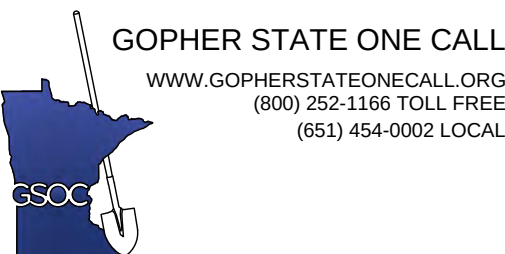
CITY OF WAYZATA REMOVAL NOTES:

- RESERVED FOR CITY SPECIFIC REMOVAL NOTES.

EROSION CONTROL NOTES:

SEE SWPPP ON SHEETS SW1.0-SW1.5

- REMOVALS LEGEND:
- EX. 1" CONTOUR ELEVATION INTERVAL
 - REMOVAL OF PAVEMENT AND ALL BASE MATERIAL, INCLUDING BIT., CONC., AND GRAVEL PVMTS.
 - REMOVAL OF STRUCTURE INCLUDING ALL FOOTINGS AND FOUNDATIONS.
 - REMOVE CURB AND GUTTER, IF IN RIGHT-OF-WAY, COORDINATE WITH LOCAL GOVERNING UNIT.
 - TREE REMOVAL - INCLUDING ROOTS AND STUMPS



CivilSite
G R O U P
Civil Engineering • Surveying • Landscape Architecture
4931 W. 35th Street, Suite 200
St. Louis Park, MN 55416
civilsitegroup.com612-615-0060

PROJECT
WAYZATA BAY CAR WASH
142 LAKE STREET EAST, WAYZATA, MN, 55391
WELLS FARGO HOME MORTGAGE
900 E WAYZATA BOULEVARD, WAYZATA, MN, 55391

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavlek
DATE 05/29/18 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY
DATE DESCRIPTION
5.29.2018 CUP Submittal

REVISION SUMMARY
DATE DESCRIPTION

PROJECT NO. - 18179

REMOVALS PLAN
C1.0
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1. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
3. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
4. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
5. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
6. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
7. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
8. PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
9. CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
10. SEE SITE PLAN FOR CURB AND GUTTER TYPE. TAPER BETWEEN CURB TYPES-SEE DETAIL.
11. ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
12. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
13. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
14. PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
15. ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
16. BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
17. ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

1. RESERVED FOR CITY SPECIFIC NOTES.

	EXISTING CONDITION		PROPOSED CONDITION	
BUILDING COVERAGE	3,007 SF	14.7%	3,755 SF	18.4%
ALL PAVEMENTS	14,425 SF	70.7%	14,249 SF	69.8%
ALL NON-PAVEMENTS	2,972 SF	14.6%	2,400 SF	11.8%
TOTAL SITE AREA	20,404 SF	100.0%	20,404 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	17,432 SF	85.4%		
PROPOSED CONDITION	18,004 SF	88.2%		
DIFFERENCE (EX. VS PROP.)	572 SF	2.8%		

RIGHT DUTY CONCRETE PAVEMENT. SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH. SEE DETAIL.

CONCRETE SIDEWALK AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL.

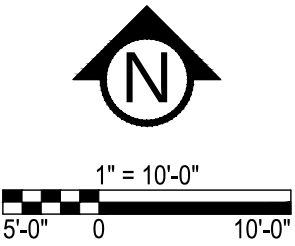
PROPERTY LINE

CONSTRUCTION LIMITS

CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN

TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS

SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.
 HC = ACCESSIBLE SIGN
 NP = NO PARKING FIRE LANE
 ST = STOP
 CP = COMPACT CAR PARKING ONLY





SEE SWPPP ON SHEETS SW1.0-SW1.5

1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

- SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
2. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
3. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
4. PROPOSED SLOPE GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
5. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
6. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
7. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
9. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
10. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT CUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
11. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
12. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
13. TOLERANCES
 - 13.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
 - 13.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - 13.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
 - 13.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
14. MAINTENANCE
 - 14.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
 - 14.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDD AND MULCHED.
 - 14.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

----- 1125 -----	EX. 1' CONTOUR ELEVATION INTERVAL
----- 1137 -----	1.0' CONTOUR ELEVATION INTERVAL
↘ 41.26	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
891.00 G	SPOT GRADE ELEVATION GUTTER
891.00 TC	SPOT GRADE ELEVATION TOP OF CURB
891.00 BS/TS	SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS
=====	CURB AND GUTTER (T.O = TIP OUT)

→
EOF=1135.52

EMERGENCY OVERFLOW



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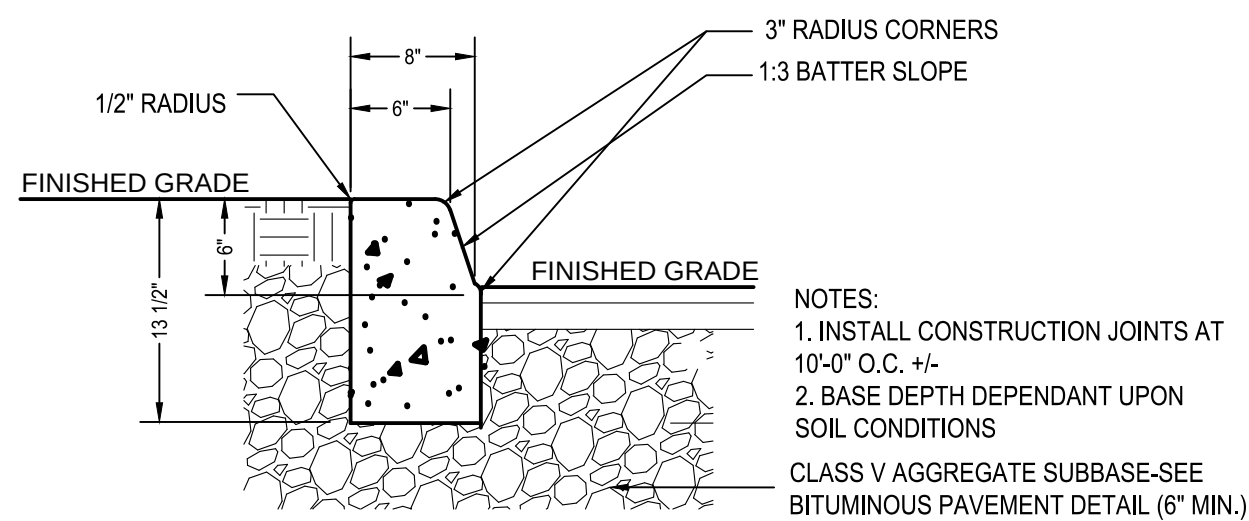
C3.0

6" CONCRETE AS SPECIFIED

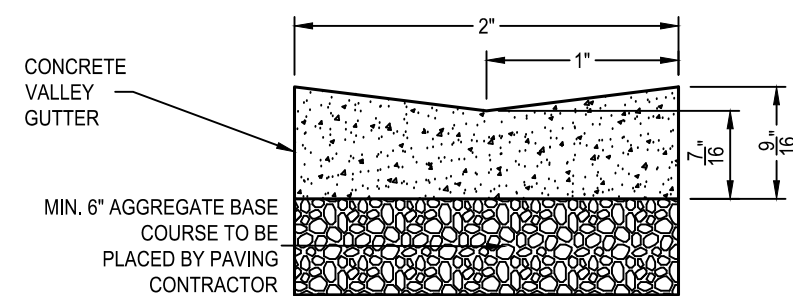
6" CLASS 5 AGGREGATE BASE (MNDOT 3138)

COMPACTED SUBGRADE (100% OF STANDARD PROCTOR MAXIMUM DRY DENSITY)

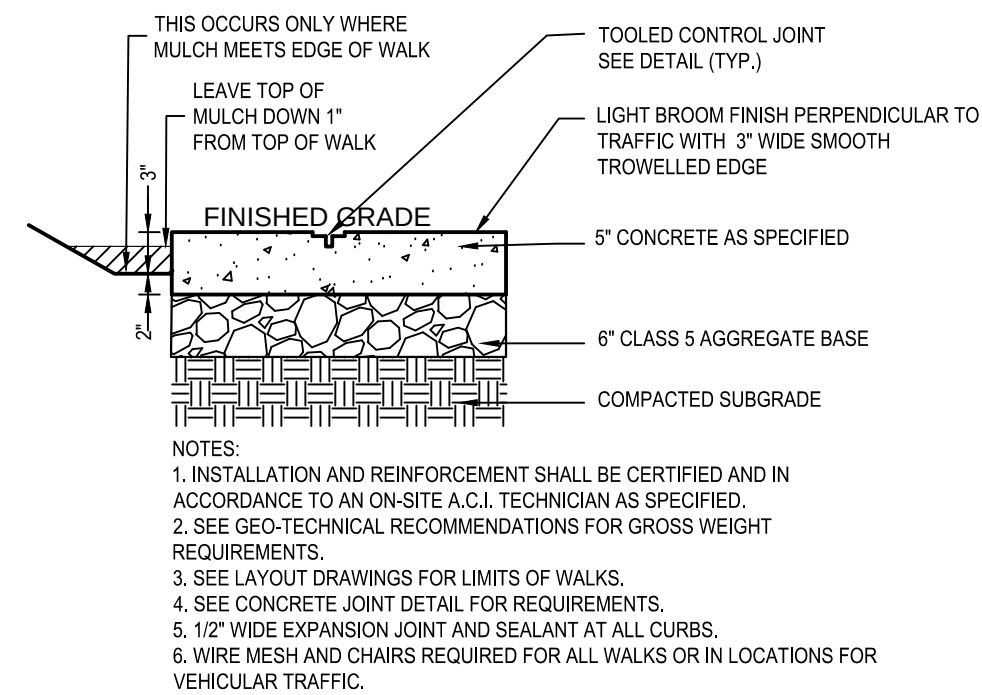
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REVISION SUMMARY	
DATE	DESCRIPTION
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PROJECT NO.: 18179

CIVIL DETAILS

C5.0



SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
EVERGREEN TREES						
EA	9	EMERALD ARBORVITAE	Thuja Occidentalis	6' ht.	B&B	STRAIGHT LEADER, FULL FORM

- WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF SHREDDED CYPRESS MULCH.
- ALL TREES SHALL BE MULCHED WITH SHREDDED CYPRESS MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2" FROM TREE TRUNK.
- IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
- PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
- UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
- CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
- REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
- PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
- CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LEGEND

- SEED TYPE 1 - MNDOT 34-262 WET PRAIRIE, PER MNDOT SEEDING MANUAL SPECIFICATIONS (2014)
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA.

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LANDSCAPE PLAN

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1. ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
3. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND/ABOVE GROUND FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY DAMAGE TO UNDERGROUND/ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
4. SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
5. CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
6. IRRIGATION WATER LINE CONNECTION SIZE IS 1-1/2" AT BUILDING. VERIFY WITH MECHANICAL PLANS. COVERAGE.
7. ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
8. ALL LATERAL LINES SHALL BE 12" BELOW FINISHED GRADE.
9. ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.
10. CONTRACTOR SHALL LAY ALL SLEEVES AND CONDUIT AT 2'-0" BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.
11. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "ELLED" TO 2'-0" ABOVE FINISHED GRADE AND CAPPED.
12. FABRICATE ALL PIPE TO MANUFACTURER'S SPECIFICATIONS WITH CLEAN AND SQUARE CUT JOINTS. USE QUALITY GRADE PRIMER AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
13. BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS.
14. ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
15. GROUP VALVE BOXES TOGETHER FOR EASE WHEN SERVICE IS REQUIRED. LOCATE IN PLANT BED AREAS WHENEVER POSSIBLE.
16. IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON-SITE WITH OWNER'S REPRESENTATIVE.
17. CONTROL WIRES: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE. RUN UNDER MAIN LINE. USE MOISTURE-PROOF SPLICES AND SPLICE ONLY AT VALVES OR PULL BOXES. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURTHEST VALVE FROM CONTROLLER. LABEL OR COLOR CODE ALL WIRES.
18. AVOID OVER SPRAY ON BUILDINGS, PAVEMENT, WALLS AND ROADWAYS BY INDIVIDUALLY ADJUSTING RADIUS OR ARC ON SPRINKLER HEADS AND FLOW CONTROL ON AUTOMATIC VALVE.
19. ADJUST PRESSURE REGULATING VALVES FOR OPTIMUM PRESSURE ON SITE.
20. USE SCREENS ON ALL HEADS.
21. A SET OF AS-BUILT DRAWINGS SHALL BE MAINTAINED ON-SITE AT ALL TIMES IN AN UPDATED CONDITION.
22. ALL PIPE 3" AND OVER SHALL HAVE THRUST BLOCKING AT EACH TURN.
23. ALL AUTOMATIC REMOTE CONTROL VALVES WILL HAVE 3" MINIMUM DEPTH OF 3/4" WASHED GRAVEL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTEND 3' BEYOND PERIMETER OF VALVE BOX.
24. THERE SHALL BE 3" MINIMUM SPACE BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

SEED TYPE 1 - MNDOT 34-262 WET PRAIRIE, PER MNDOT SEEDING MANUAL SPECIFICATIONS (2014)

SHREDDED HARDWOOD MULCH OVER FILTER FABRIC, SAMPLES REQUIRED

SOD

PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES

PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES

PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES

DECORATIVE BOULDERS, 18"-30" DIA.



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PROJECT

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DATE 05/29/18 LICENSE NO. 24904

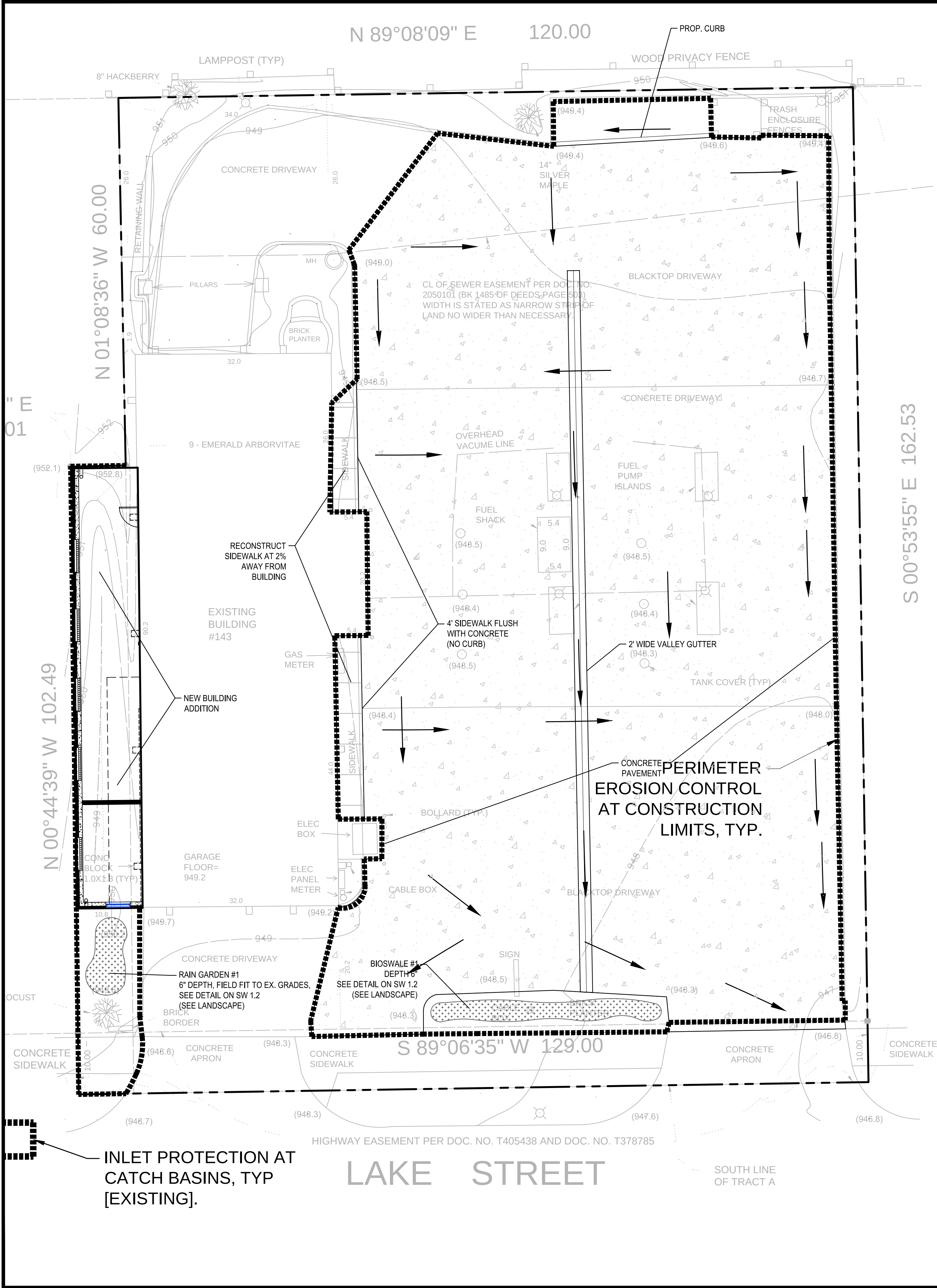
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PROJECT NO.: 18179

LANDSCAPE PLAN
NOTES & DETAILS

L1.1

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ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND MEASURES CONTAINED IN THIS SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING THE COURSE OF CONSTRUCTION.

- SWPPP NOTES:**
1. THIS PROJECT IS LESS THAN ONE ACRE AND WILL NOT REQUIRE AN MPCA NPDES PERMIT. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
 2. SEE SHEETS SW1.0 - SW1.5 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
 3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.
 4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

CITY OF WAYZATA EROSION CONTROL NOTES:

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PROJECT

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DATE 05/29/18 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
5.29.2018	CUP Submittal

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO. - 18179

SWPPP - EXISTING CONDITIONS

SW1.0

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LEGEND:

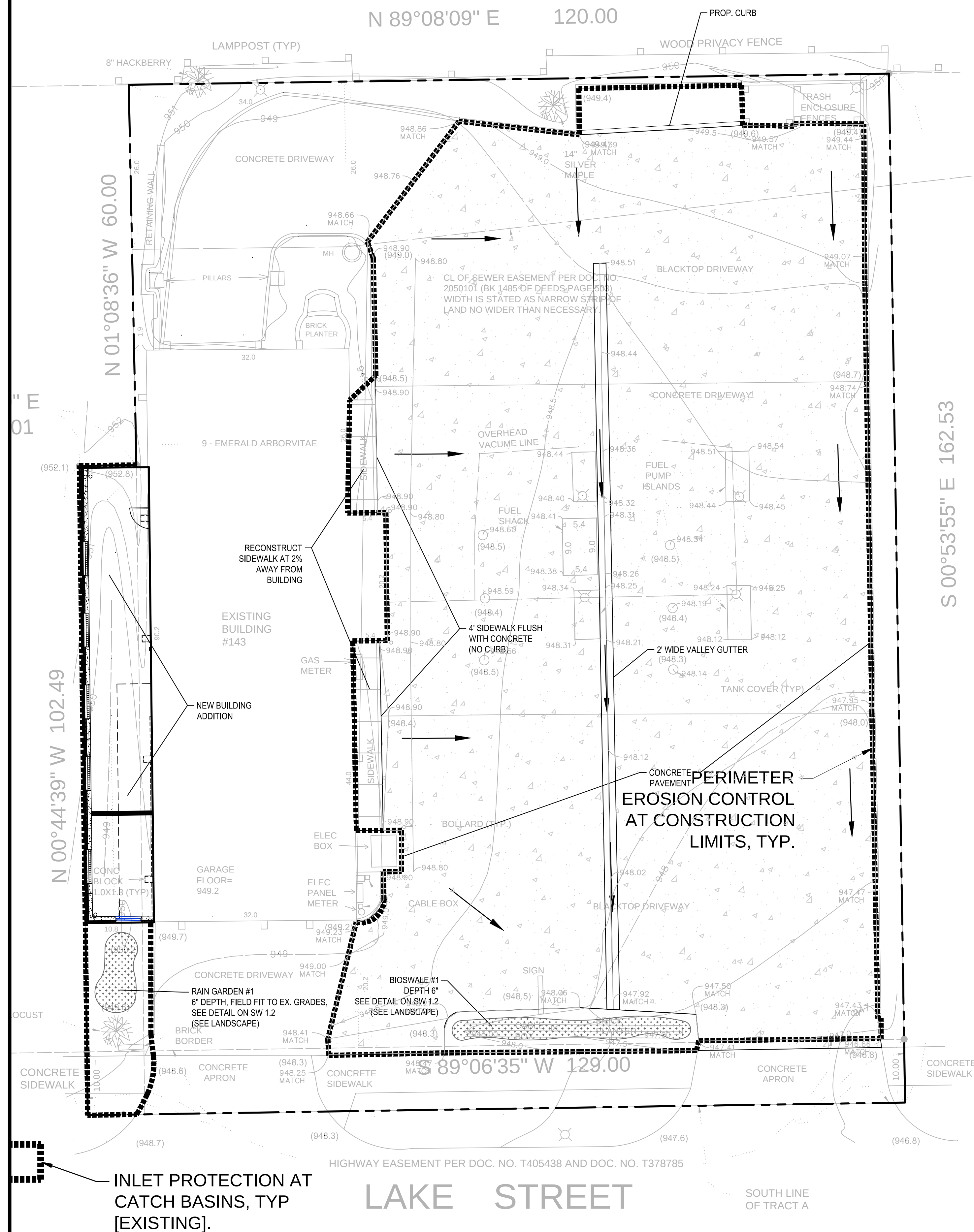
- 1125 ----- EX. 1' CONTOUR ELEVATION INTERVAL
- 1137 ----- 1.0' CONTOUR ELEVATION INTERVAL
- > DRAINAGE ARROW
- SILT FENCE / BIOROLL - GRADING LIMIT
- INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET



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1" = 10'-0"
5'-0" 0 10'-0"



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SWPPP - PROPOSED
CONDITIONS

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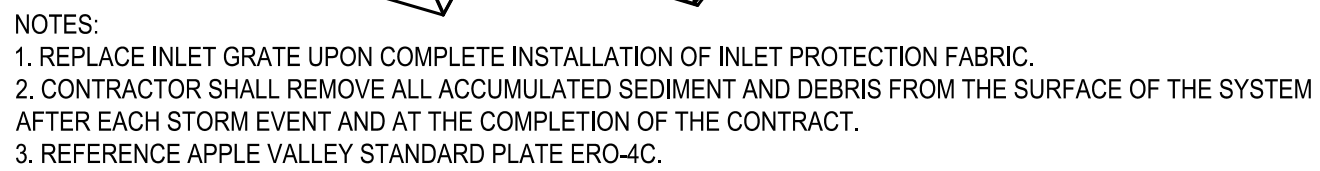
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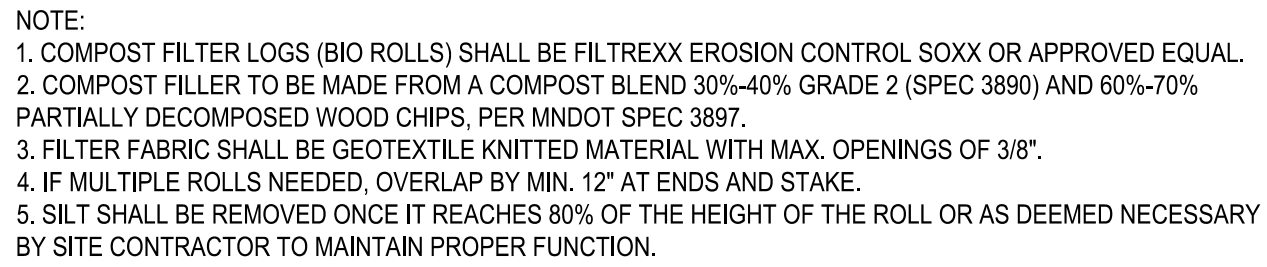


1. INSTALL SILT FENCE AND/OR OTHER APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT, LAND DISTURBING ACTIVITY BEGINS.
3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES.
4. INSTALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, PHONE, FIBER OPTIC, ETC) PRIOR TO SETTING FINAL GRADE OF BIORETENTION DEVICE.
5. ROUGH GRADE THE SITE. IF BIORETENTION AREAS ARE BEING USED AS TEMPORARY SEDIMENT BASINS LEAVE A MINIMUM OF 3 FEET OF COVER OVER THE PRACTICE TO PROTECT THE UNDERLYING SOILS FROM CLOGGING.
6. PERFORM ALL OTHER SITE IMPROVEMENTS.
7. PLANT ALL AREAS AFTER DISTURBANCE.
8. CONSTRUCT BIORETENTION DEVICE UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA.
9. IMPLEMENT TEMPORARY AND PERMANENT EROSION CONTROL PRACTICES.
10. PLANT AND/OR ROCK MULCH BIORETENTION DEVICE.
11. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.

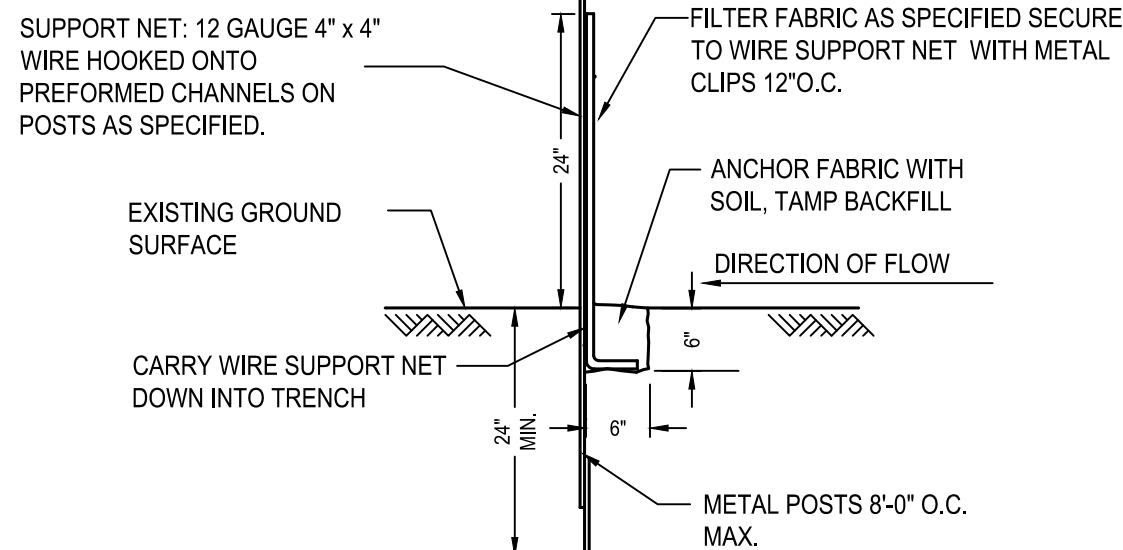
1. IN THE EVENT THAT SEDIMENT IS INTRODUCED INTO THE BMP DURING OR IMMEDIATELY FOLLOWING EXCAVATION, THIS MATERIAL SHALL BE REMOVED FROM THE PRACTICE PRIOR TO CONTINUING CONSTRUCTION.
2. GRADING OF BIORETENTION DEVICES SHALL BE ACCOMPLISHED USING LOW-COMPACTION EARTH-MOVING EQUIPMENT TO PREVENT COMPACTION OF UNDERLYING SOILS.
3. ALL SUB MATERIALS BELOW THE SPECIFIED BIORETENTION DEPTH (ELEVATION) SHALL BE UNDISTURBED, UNLESS OTHERWISE NOTED.
4. CONTRACTOR SHALL VERIFY SOILS BENEATH INFILTRATION BASIN ARE PERMEABLE "SANDY" SOILS TO PROMOTE INFILTRATION. IF SANDY SOILS ARE NOT ENCOUNTERED CONTRACTOR SHALL EXCAVATE DOWN TO SUITABLE SOILS AND BACKFILL WITH SAND.



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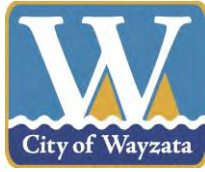
ISSUE/SUBMITTAL SUMMARY

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REVISION SUMMARY

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PROJECT NO.: 18179



**Staff Report
July 16, 2018**

Project Name: Ventana Condos
Applicant Ventana, LLC
Addresses of Request: 253 Lake St E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: August 21, 2018

Development Application

Introduction

On December 19, 2017 the City Council approved the rezoning, PUD concept plan, building height variance, and shoreland impact plan/conditional use permit for the redevelopment of 253 Lake St E. The redevelopment project includes demolition of the existing buildings, and construction of a three story building with 16 residential units with one level of underground parking. As part of the approved PUD concept plan, the applicant proposed donating the land behind the building to the City for use as public parking.

The applicant, Ventana, LLC, and the property owner, Berry & Co., Inc., have submitted a development application to subdivide the property to expedite the donation of the parking area to the City. The development application requests approval of preliminary and final plat subdivision to subdivide the property into three separate lots. The front lot along Lake Street (Lot 1) would be the future development site. The rear lot (Lot 3) would be donated to the City for public parking. Lot 2 would be donated to the City for public parking after the applicant is able to obtain an access easement from the owner of the adjacent property to the west.

The applicant has also submitted the PUD general plan and design review application, which will be reviewed at a future Planning Commission meeting.

Background Information

Over the past year, the City has been considering redevelopment plans on Lake Street between Manitoba Ave and Ferndale Rd. The redevelopment plans include potential public parking that could be provided behind the buildings on the northwest corner of Lake Street and Barry Ave. This parking would serve the proposed development, the existing easement with the Boatworks property, and provide additional public parking for the

downtown area. As each of the individual development projects has been reviewed by the City, the land behind 235, 253 and 275 Lake Street has been approved with the public parking option.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
253 Lake St E	06-117-22-23-0013	Berry and Co, Inc.

The current zoning and comprehensive plan land use designations for the property as follows:

Current zoning:	C-4A/Limited Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District

Project Location

The property is located on the north side of Lake Street, between Barry Avenue and Edgewood Court:

Map 1: Project Location



Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Wayzata Villa Condominiums	R-5/Average Density Multiple Residential District	High Density Multiple Family
East	Wayzata Blu Development Site	PUD/Planned Unit Development	Central Business District
South	Lake Street	N/A	N/A
West	Coldwell Banker Burnet Building	C-4A/Limited Central Business District	Central Business District

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- A. Preliminary and Final Plat Subdivision: The proposed plans include subdividing the existing lot into three separate lots, which requires preliminary and final plat review. (City Code Section 805.14 and 805.15)

Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* and mailed to all property owners located within 350 feet of the subject property on July 5, 2018.

Project Overview**Analysis of Application****Proposed Subdivision**

The applicant is proposing to subdivide the property into three platted lots. The following table outlines the existing and proposed lots:

	Lot area	Lot width	Lot depth
PUD Requirement	No minimum	No minimum	No minimum
Lot 1	20,780 sq. ft.	107 ft.	182 ft.
Lot 2	4,033 sq. ft.	112 ft.	36 ft.
Lot 3	28,551 sq. ft.	112 ft.	222 ft.

The PUD zoning does not have minimum lot size, width, or depth requirements, and the proposed subdivision would meet the lot requirements of the PUD zoning district.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should consider adoption of the attached *Planning Commission Report and Recommendation*, which recommends approval of the development application subject to several conditions.

Attachments

Preliminary and Final Plat

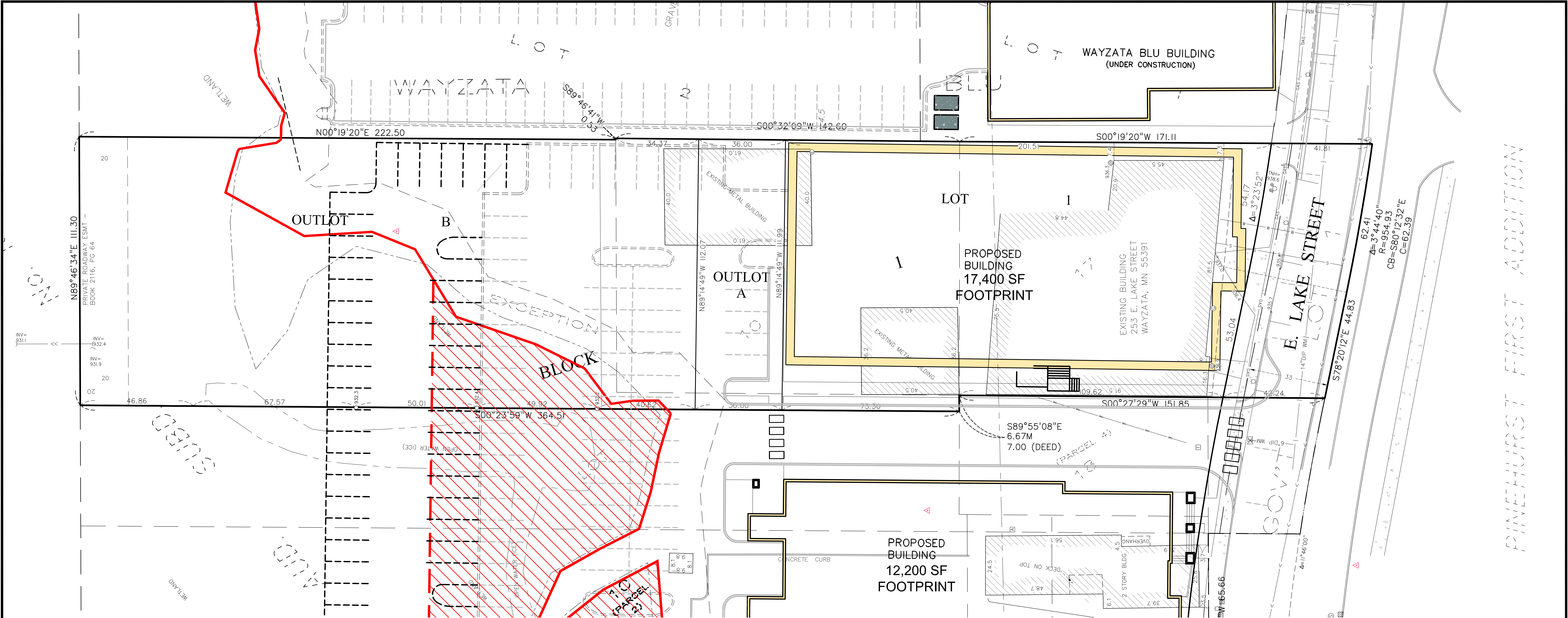
Draft Planning Commission Report and Recommendation

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E): The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
- B. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
- D. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
- E. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
- F. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
- G. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
- H. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
- I. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
- J. The proposed lot layout and building pads shall conform with all performance standards contained herein.

- K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
- L. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.



DESCRIPTION OF PROPERTY SURVEYED

That part of Lot 10, AUDITOR'S SUBDIVISION NO. 184 described as beginning at a point on the westerly extension of the north line of Lot 11, in said subdivision distant 90 feet westerly from the northwest corner of said Lot 11; thence southerly in a straight line to the northeast corner of Lot 17, in said subdivision; thence westerly along the north line of said Lot 17 to the northwest corner of said Lot 17; thence westerly along the north line of said Lot 18, in said subdivision, 7 feet; thence northerly parallel with the east line of the plat of LAKE WEST to the easterly extension of the most northerly line of said plat; thence easterly along the last described extension, to the intersection with the northerly extension of the east line of said Lot 17; thence southerly along the northerly extension of the east line of said Lot 17 to the intersection with the westerly extension of the north line of said Lot 11; thence to the point of beginning.

And

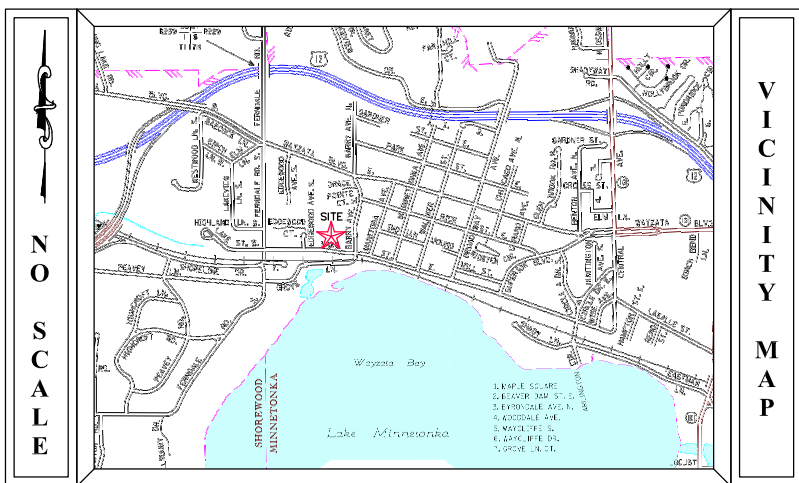
That part of Government Lot 1, Section 6, Township 117, Range 22 lying southerly of the south line of Lot 17, AUDITOR'S SUBDIVISION NO. 184 and westerly of the southerly extension of the east line of said Lot 17, which lies easterly of the southerly extension of the west line of said Lot 17 and northerly of a line described as beginning at a point on the west line of said Government Lot 1 distance 89.9 feet southerly from the northwest corner of said government lot; thence easterly at right angles from said west line of Government Lot 1 a distance of 856.3 feet; thence easterly 196.11 feet along a 6 degree tangential curve to the right having a central angle of 11 degrees 46 minutes; thence southeasterly tangent to said curve 52.2 feet; thence easterly 158.3 feet along a 6 degrees tangential curve to the left having a central angle of 9 degrees 30 minutes and said line there terminating.

Subject to right of the public in Lake Street over the southerly 33 feet of the above described part of Government Lot 1.

Subject to a private easement for roadway purposes over the north 20 feet of the above described Lot 10, as set forth in deed recorded in Book 2116 at page 64.

And

Lot 17, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota.



PROPOSED LOT INFORMATION

Lot 1: 20,780 sq.ft./0.477 acres
Outlot A: 4,033 sq.ft./0.093 acres
Outlot B: 28,551 sq.ft./0.655 acres
ROW: 4,436 sq.ft./0.102 acres

GENERAL NOTES

- Site Address:** 253 Lake Street East, Wayzata, Minnesota 55391
- Flood Zone Information:** This property appears to be in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0307E effective date of November 4th, 2016.
- Parcel Area Information:**
Gross Area: 57,954 s.f. ~ 1.330 acres
R/W Area: 3,547 s.f. ~ 0.081 acres
Wet Area: 14,382 s.f. ~ 0.330 acres
Net Area: 40,025 s.f. ~ 0.919 acres
- Benchmark:** Elevations are based on:
1.) Top of top nut of first fire hydrant on the south side of Lake Street East west of site: Elevation = 938.42 feet
2.) Top of top nut of first fire hydrant on the northside of Lake Street East east of site: Elevation = 938.37 feet
- Zoning Information:** The current Zoning for the subject property is C-4A (Limited Central Business District) per the City of Wayzata's zoning map. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of February 15th, 2017 and are as follows:

Setbacks: The following minimum requirements shall be observed in a "C-4A" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

Height. No building shall be erected or structurally altered to exceed two (2) stories and thirty (30) feet in height, whichever is lesser.

Setbacks. There shall be no front yard, exterior side yard or rear yard requirements, except that there shall be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback shall be the same as the setback for the adjacent district.

Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be 2.0.

Area. The minimum total lot area shall be twelve thousand (12,000) square feet.

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

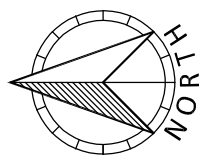
- Wetland(s) shown hereon is (are) per field location of stakes as set by others.

ADDITIONAL NOTES:

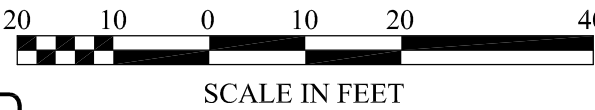
Proposed Building shown hereon are preliminary. Not final construction plans were provided. The proposed structures to the east and west were provided by other and are shown to their best representation.

The common driveway between the buildings was provided by Rehder and Associates and is shown per discussion with developers of both sites. The parking configuration in back (north) is shown per a plan provided by the City of Wayzata. It has been modified to tie into the site plan provided for 235 and 253 Lake Street East developments. The darker dashed proposed parking configuration is a proposed phase two parking expansion. All parking shown hereon is for informational purposes only.

Wetland area shown in RED was provided by others.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

● CAST IRON MONUMENT	WOE WALKOUT ELEVATION	BITUMINOUS
▣ CATCH BASIN	FFE FIRST FLOOR ELEVATION	BUILDING SETBACK LINE
△ FLARED END SECTION	GFE GARAGE FLOOR ELEVATION	CTV CABLE TV
⊠ GATE VALVE	TOF TOP OF FOUNDATION ELEV.	CONCRETE CURB
< GUY WIRE	LOE LOWEST OPENING ELEV.	CONCRETE
○ HYDRANT	▣ CABLE TV PEDESTAL	CONTOUR EXISTING
○ SURVEY MONUMENT SET	▣ ELECTRIC TRANSFORMER	CONTOUR PROPOSED
○ SURVEY MONUMENT FOUND	⊕ ELECTRIC MANHOLE	GUARD RAIL
✕ FOUND CHISELED "X"	⊕ ELECTRIC METER	DT DRAIN TILE
△ SURVEY CONTROL POINT	⊕ GAS METER	ELC ELECTRIC UNDERGROUND
⊕ LIGHT POLE	⊕ GAS VALVE	FENCE
⊕ POWER POLE	FO HAND HOLE	FIBER OPTIC UNDERGROUND
⊕ SANITARY MANHOLE	SOIL BORING	GAS UNDERGROUND
⊕ SANITARY CLEANOUT	☼ TREE CONIFEROUS	OHU OVERHEAD UTILITY
⊕ SIGN	☼ TREE DEODUCOUS	RAILROAD TRACKS
⊕ GROUND ELEVATION	⊕ TELEPHONE MANHOLE	→ SANITARY SEWER
⊕ STORM DRAIN	⊕ TELEPHONE PEDESTAL	→ STORM SEWER
⊕ STORM MANHOLE	TRAFFIC SIGNAL	TEL TELEPHONE UNDERGROUND
⊕ YARD LIGHT	⊕ UTILITY MANHOLE	UTL UTILITY UNDERGROUND
⊕ A/C UNIT	⊕ UTILITY PEDESTAL	I WATERMAIN

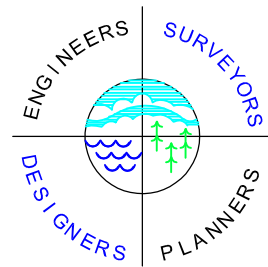
FIELD CREW	NO.	BY	DATE	REVISION
ALL				
DRAWN				
EMW				
CHECKED				
DBP				
DATE				
2-12-18				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 12th day of June, 2018.

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.22-SEC.06 Hennepin County
WAYZATA, MINNESOTA

Preliminary Plat

of:
VENTANA LLC.

FILE NO.
94818-001

1
1

VENTANA ADDITION

R.T. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Berry & Co. Inc, a Minnesota corporation, fee owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lot 17, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota.

And

That part of Lot 10, AUDITOR'S SUBDIVISION NO. 184 described as beginning at a point on the westerly extension of the north line of Lot 11, in said subdivision distant 90 feet westerly from the northwest corner of said Lot 11; thence southerly in a straight line to the northeast corner of Lot 17, in said subdivision; thence westerly along the north ine of said Lot 17 to the northwest corner fo said Lot 17; thence westerly along the north line of Lot 18, in said subdivision, 7 feet; thence northerly parallel with the east line of the plat of LAKE WEST to the easterly extension of the most northerly line of said plat; thence easterly along the last described extension, to the intersection with the northerly extension of the east line of said Lot 17; thence sotherly along the northerly extension of the east line of said Lot 17 to the intersection with the westerly extension of the north line of said Lot 11; thence to the point of beginning.

And

That part of Government Lot 1, Section 6, Township 117, Range 22 lying southerly of the south line of Lot 17, AUDITOR'S SUBDIVISION NO. 184 and westerly of the southerly extension of the east line of said Lot 17, which lies easterly of the southerly extension of the west line of said Lot 17 and northerly of a line described as beginning at a point on the west line of said Government Lot 1 distance 89.9 feet southerly from the northwest corner of said government lot; thence easterly at right angles from said west line of Governmmnt Lot 1 a distance of 856.3 feet; thence easterly 196.11 feet along a 6 degree tangential curve to the right having a central angle of 11 degrees 46 minutes; thence southeasterly tangent to said curve 52.2 feet; thence easterly 158.3 feet along a 6 degrees tangential curve to the left having a central angle of 9 degrees 30 minutes and said line there terminating.

Has caused the same to be surveyed and platted as VENTANA ADDITION and does hereby dedicate to the public for public use forever the public ways as created by this plat.

In witness whereof Berry & Co. Inc, a Minnesota corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 2018 .

_____, President

Bradley _ Hoyt

STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Bradley _ Hoyt, President of Berry & Co. Inc, a Minnesota corporation on behalf of the corporation.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

I, David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2018.

David B. Pemberton, Licensed Land Surveyor

Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 2018, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

WAYZATA, MINNESOTA

This plat of VENTANA ADDITION was approved and accepted by the City Council of Wayzata, Minnesota at a regular meeting held this _____ day of _____, 2018. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

By: _____, Mayor

By: _____, City Clerk

RESIDENT AND REAL ESTATE SERVICES

Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat. Dated this _____ day of _____, 2018.

Mark V. Chapin, Hennepin County Auditor

By: _____, Deputy

SURVEY DIVISION

Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 2018.

Chris F. Mavis, Hennepin County Surveyor

By: _____

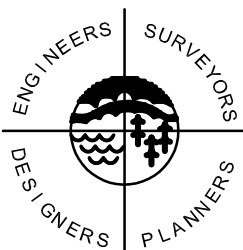
REGISTRAR OF TITLES

Hennepin County, Minnesota

I hereby certify that the within plat of VENTANA ADDITION was filed in this office this _____ day of _____, 2018, at _____ o'clock ____ M.

Martin McCormick, Registrar of Titles

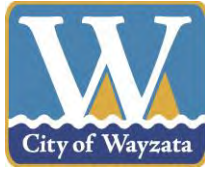
By: _____, Deputy



SATHRE-BERGQUIST, INC.

R.T. DOC. NO. _____





WAYZATA PLANNING COMMISSION

July 16, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF PRELIMINARY AND FINAL PLAT AT 253 LAKE ST E

SUMMARY OF RECOMMENDATION

1. Approval* of Preliminary and Final Plat Subdivision

*** with certain conditions listed at the end of this Report**

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Ventana, LLC and the property owner, Berry & Co., Inc. (collectively, the "Applicant") have submitted a development application (the "Application") to subdivide the property at 253 Lake St E (the "Property").
- 1.2 Previous Approvals. On December 19, 2017, the City Council approved the rezoning to PUD/Planned Unit Development, PUD concept plan, building height variance, and shoreland impact plan/conditional use permit for the Project. The PUD includes demolition of the existing buildings, and construction of a three story building with 16 residential units with one level of underground parking (the "Project").
- 1.3 Approvals Requested. The Application includes requests for approval of the following:
 - A. Preliminary and Final Plat Subdivision: The Project would subdivide the existing lot into three separate lots as depicted on the plans included as Attachment A (the "Subdivision" or "Preliminary and Final Plats").
- 1.4 Land Use Designations. The Property is zoned and guided as follows:

Zoning:	C-4A/Limited Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Subdivision was published in the *Sun Sailor* on July 5, 2018 and mailed to all property owners located within 350 feet of the Property on July 5, 2018. The public hearing on the Application was held at the July 16, 2018 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A. In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 805.14.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall

not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision and Zoning Ordinances, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Preliminary / Final Plat Subdivision for Lot Combination. The Planning Commission finds that there would be no significant adverse effects of the proposed Preliminary and Final Plats based upon the findings related to the PUD and the following factors found in Section 805.14.E:

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.
2. The building pad that results from the Subdivision will not impact

sensitive areas on the Property.

3. The building pad that results from the Subdivision has been selected and located with respect to natural topography to minimize filing or grading.
4. There are no existing stands of significant trees on the Property impacted by the Project.
5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.
7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.
9. The building proposed for the Subdivision meets the applicable Design Standards outlined in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a CUP are being requested.
11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the

Preliminary and Final Plat Subdivision, subject to the following conditions:

- A. Before the City issues a building permit for the Project, the Applicant must pay park dedication fees as required by the Subdivision Ordinance.
- B. Before the City issues a building permit for the Project, the Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 16th day of July 2018.

Voting In Favor:

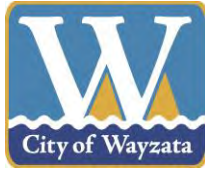
Voting Against:

Abstaining:

Absent:

Attachment A
Preliminary and Final Plat Subdivision

DRAFT



**Staff Report
July 16, 2018**

Project Name: Taylor Residence
Addresses of Request: 405 Bushaway Rd
Prepared by: Olivia Dorow Hovland, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 29, 2018

Development Application

Introduction

The applicant, Charlie and Co Design, on behalf of the property owner, Carolyn Taylor, has submitted a development application for the property at 405 Bushaway Rd. The applicant is proposing to tear down the existing single-family home and construct a two-story, 6,164 sf. home and a 247 sf. boathouse. The development application requests approval of a variance for shoreline setback.

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- Variance: The required shoreline setback is 156 feet (the average shoreline setback of the two adjacent properties). The proposed home is located at a 129-foot setback.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
405 Bushaway Rd	05-117-22-33-0005	Carolyn Taylor

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-1 Low Density Single Family Residential District
Comp Plan designation:	Estate Single Family Residential

Overlay districts:	Shoreland Overlay District
--------------------	----------------------------

Project Location

The property is on the west side of Bushaway Road, just south of Eastman Lane:

Map 1: Project Location



Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-Family Residential	R-1 Low Density Single Family Residential	Estate Single Family Residential
East	Locust Hills	PUD	Estate Single Family Residential
South	Single-Family Residential	R-1A Low Density Single Family Estate District	Estate Single Family Residential
West	Lake Minnetonka	N/A	N/A

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on July 5, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 3, 2018.

Analysis of Application

Project Overview

The property owner is requesting a variance for shoreline setback for a new single-family home. The required shoreline setback is 156 feet. The existing home is at a 114-foot setback, and the applicant is proposing demolishing the existing home and constructing a new home at a 129-foot setback. The property is about 125 feet wide and 49,522 square feet. The property will also contain a driveway, attached garage, and boathouse.

Shoreland Setback Requirement

Section 801.91.9 of the Zoning Ordinance stipulates that the setback from the Ordinary High Water Mark must be the greater of:

1. 75 feet, or
2. A line which is drawn between the two closest riparian principal structures on either side of a proposed building site, or
3. The average setback of the two closest riparian principal structures on either side of a proposed building site.

In this case, the average setback of the two closest riparian principal structures is 176 feet. That is the setback that applies.

Zoning

The following table outlines the zoning standards for the Low Density Single Family Residential District in the Shoreland Overlay District:

	R-1 Requirements	Shoreland Requirements	Proposed
Building setbacks (min.)			
Front	45 ft.	N/A	~155 ft.
Side	20 ft.	N/A	20 ft.
Rear	50 ft.	N/A	129 ft.
Shoreland setback	N/A	75 ft. or line drawn between two adjacent principal structures	129 ft.
Lot coverage	15% (max.)	N/A	12.8%
Impervious surface	25% (max.)	25% 75% with stormwater management 100% with shoreland impact plan/CUP	24.9%
Building height	3 stories/40 ft. (max.)	35 ft. (max.)	One story, 33'8"

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission*

Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Applicant's Narrative

Proposed Plans

Applicable Code Provisions for Review

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Lake Shore Setback Variance Standards. Section 801.91.9.D.2.b states that the required setback distance may be reduced by variance if the following conditions are met:

- A. The minimum setback from the ordinary high water mark is at least seventy-five feet.
- B. The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.
- C. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots.
- D. A shoreland impact plan is submitted and approved as required and set forth in Section 801.91.19 of this Ordinance.
- E. The conditions of Section 801.05 and Section 801.91.20 of this Ordinance are considered and satisfactorily met.

Shoreland District Variances. Section 801.91.20 states variances may be granted by the City Council in accordance with Section 801.05 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
- E. Shall constitute a hardship as defined in Section 801.05 of this Ordinance.
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.



Friday June 1, 2018

Wayzata City Council
Zoning: 405 Bushaway Road

Dear Wayzata City Council,

On behalf of my client, Carolyn Taylor, we are requesting a shoreline setback variance for a new house at 405 Bushaway Road. The property currently has an existing house and detached garage. Our client wishes to remove both existing structures and build a new single family house with attached garage, and do so harmoniously on the lot to minimize the site disturbance while maintaining her neighbors' sightlines to the lake.

As they exist today, both structures on the property are non-conforming with respect to current zoning ordinances. Our required setbacks dictate a 20' side yard and 156' shoreline offsets (an average shoreline setback of the two adjacent properties). The existing house sits 114' from the shoreline, or 42' closer than currently allowed. The existing detached garage sits 3.5' from the south (side) lot line, or 16.5' closer than allowed. While today's required side yard poses no hardship to our client, the imposed shoreline setback unfortunately does. It yields some particular difficulties in relation to the unique conditions at 405 Bushaway, which suggests that perhaps it be considered independent of the literal provisions of the zoning ordinance.

Our client wishes to build her new house 129' offset from the property shoreline. (See Exhibit 1) This is 27' closer than the average setback of her immediate neighbors to the north and south, but 15' farther back than the existing structure on her property. We arrived at our proposed position on the site for the following reasons:

1. The new structure is placed in a location off the shoreline that is more consistent with the other lake homes along Bushaway Road. (See Exhibit 2) The 401 Bushaway property immediately to our north is remarkably more set back from the lake than all other homes along the peninsula. Therefore, due to the mathematical average of our two adjacent properties' setbacks, our property has a significantly more strict prescribed setback.
2. Adjacent property sightlines are maintained allowing the neighboring homes to keep the lake views they have always enjoyed. From certain vantage points, their views are even broadened and enhanced.
 - a. Recognizing that the view from the 401 Bushaway property was most vulnerable, we analyzed our design from the north elevation to ensure the body of our proposed design does not impinge on 401's existing view. (See Exhibit 3)
 - b. We also presented our proposed design to each neighbor at 401 and 421 Bushaway. Both are amenable to our variance request and supportive of the new construction as designed. (See Exhibit 4)
3. The new structure is placed in such a location that minimizes site disturbance.
 - a. To adhere to the prescribed shoreline setback (see Exhibit 5) would mean more excavation and recontouring of the site, as well as removal of a heritage tree and additional significant trees.

As an additional act of site preservation, our landscape design features stormwater management systems to control and filter the flow of water into Lake Minnetonka. (See "Rock Gallery" notes on drawing L100) While our hardcover calculation is below the 25% threshold and does not require any stormwater design considerations, our hope is this project will be a welcome addition to the community and have a positive impact on Lake Minnetonka.



If you have any questions, please do not hesitate to contact our team:

Owner: Carolyn Taylor - carolyn.taylor@me.com
Architectural Team: Marcy Townsend – marcy@charlieandcodesign.com
Charlie Simmons - charlie@charlieandcodesign.com
Landscape Architect: Scott Ritter – scott@topollc.com
Contractor: John Kraemer - john@jkandsons.com

Proposed Concept:

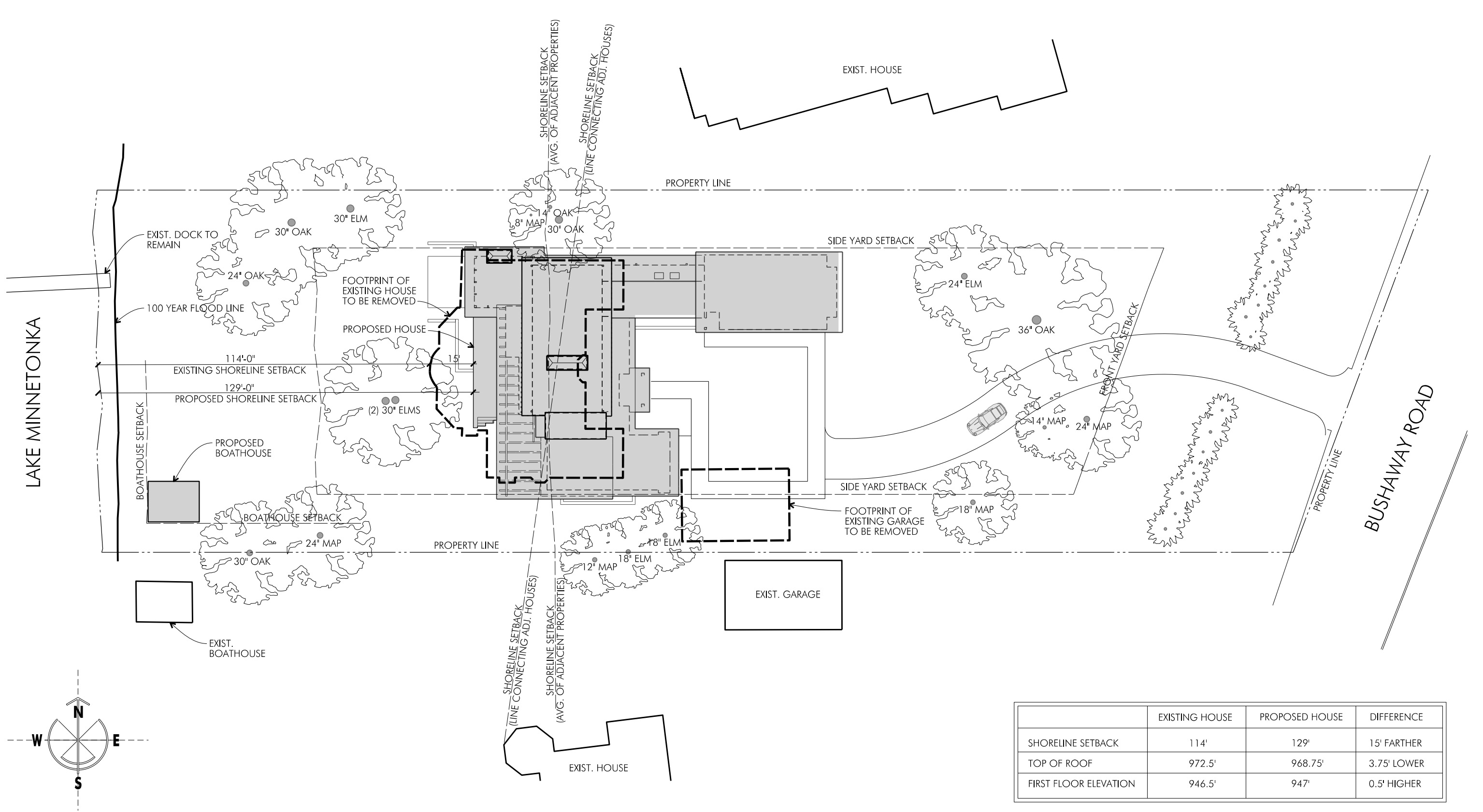


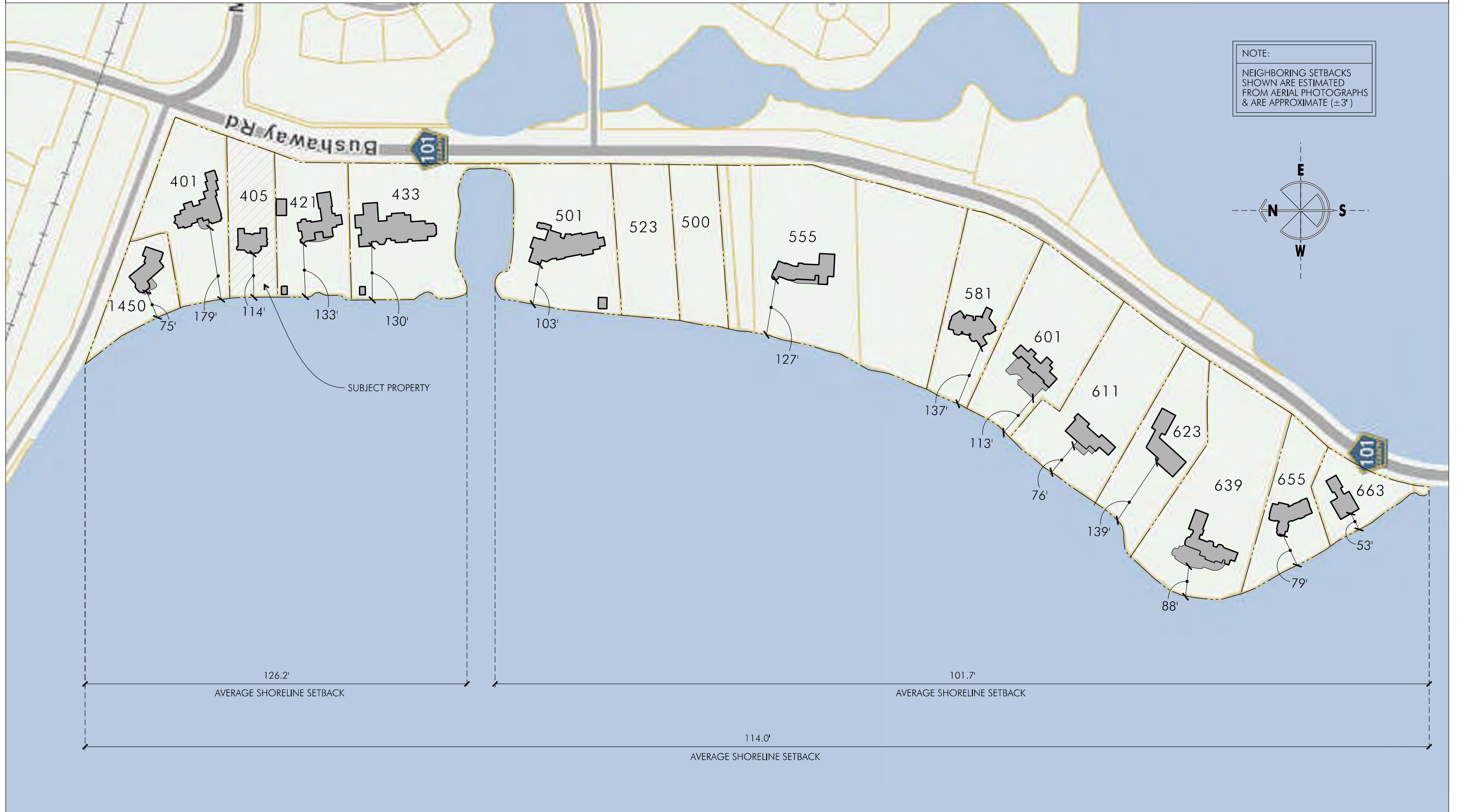
Sincerely,

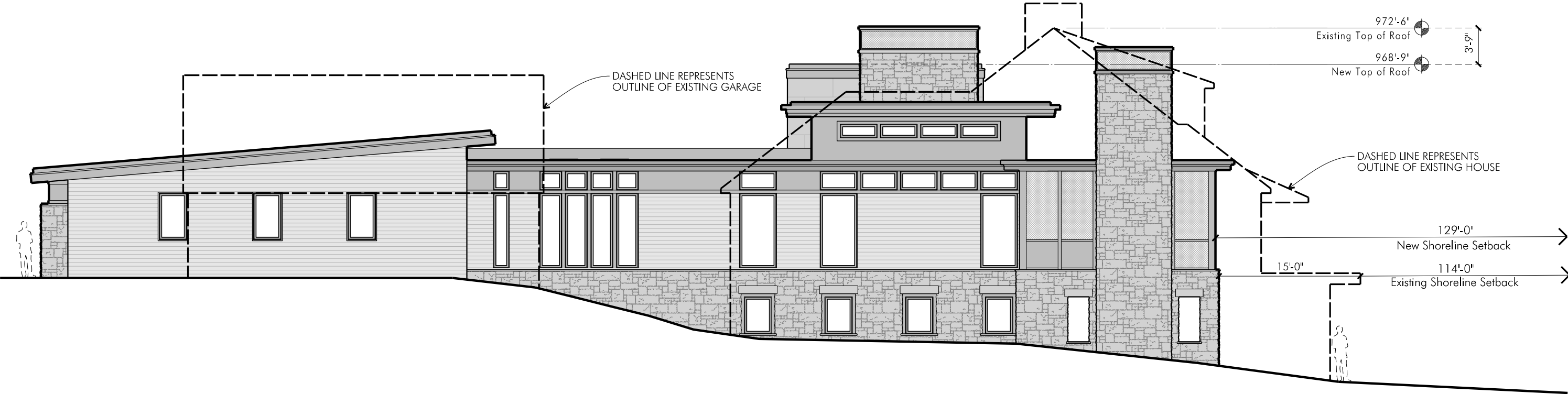
Charlie Simmons – Design Principal
Charlie & Co. Design, Ltd.

Marcy Townsend – Project Architect
Charlie & Co. Design, Ltd.

cc: Carolyn Taylor, Gary & John Kraemer, Scott Ritter







	EXISTING HOUSE	PROPOSED HOUSE	DIFFERENCE
SHORELINE SETBACK	114'	129'	15' FARTHER
TOP OF ROOF	972.5'	968.75'	3.75' LOWER
FIRST FLOOR ELEVATION	946.5'	947'	0.5' HIGHER



Charlie
& COMPANY

405 BUSHAWAY RESIDENCE

EXHIBIT 4

401 Bushaway Letter of Approval

PAGE: 1 of 2

DATE: 06.01.2018

Marcy Townsend

From: Charlie Simmons
Sent: Tuesday, May 29, 2018 1:07 PM
To: Marcy Townsend
Subject: FW: Bushaway Variance

Charlie Simmons
Charlie & Co. Design

-----Original Message-----

From: Chris Schultz [mailto:cas4tlc@gmail.com]
Sent: Tuesday, May 29, 2018 1:05 PM
To: Charlie Simmons <charlie@charlieandcodesign.com>
Subject: Bushaway Variance

Tuesday, May 22, 2018

To Whom It May Concern:

I have reviewed the proposed design for the new home to be built at 405 Bushaway Road with the design/construction team that was presented and have no objection to the location of the new structure being back 15' back from the existing home as shown in the drawings. I support the the Lake Setback Adjustment request that was explained to me.

Sincerely,
Christine Schultz

Tuesday, May 29, 2018

Sent from my iPad



Charlie
& COMPANY

405 BUSHAWAY RESIDENCE

EXHIBIT 4

421 Bushaway Letter of Approval

PAGE: 2 of 2

DATE: 06.01.2018



Tuesday, May 22, 2018

To Whom It May Concern,

We have reviewed the proposed design located at 405 Bushaway Rd. with the design/ construction team and have no objection with the location of the structure as shown. We support the Lake Setback Adjustment request.

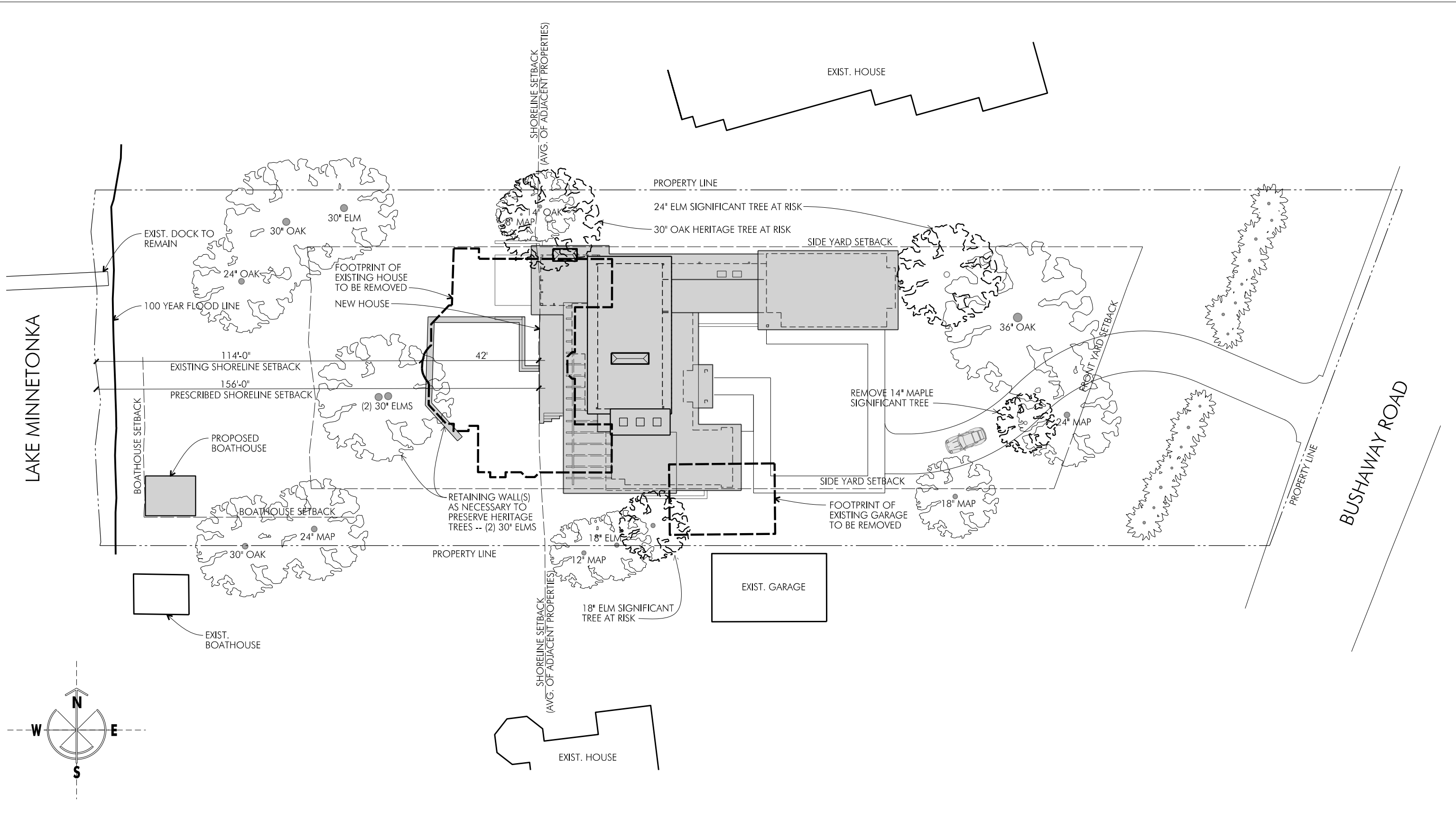
Sincerely,

Vince Vertin, 421 Bushaway Road

Name & Address

Date

5/30/18





Charlie
& COMPANY
405 BUSHAWAY RESIDENCE

RENDERING 1

Perspective View from Lake

SCALE: N/A
DATE: 06.01.2018





Charlie
& COMPANY

405 BUSHAWAY RESIDENCE

RENDERING 2

Perspective View from Driveway

SCALE: N/A
DATE: 06.01.2018



**Charlie
& COMPANY**

212 3rd Ave. N., Ste. 356
Minneapolis, MN 55401
(p) +612.333.2216
www.charlieandco.design.com

IMPORTANT NOTE FOR
ALL CONTRACTORS &
SUB-CONTRACTORS

1. The Owner/ General Contractor must take full responsibility including providing additional detailing, drawings, and engineering as needed, and to resolve configuration deficiencies as needed to coordinate and properly complete the Work. The General Contractor has the right and responsibility to revise configurations and details depicted in the Construction Drawings, as needed, to properly construct a code compliant and technically sound project.

2. All structural requirements, including but not limited to footing foundation and framing work are to be verified by the Structural Engineer, provided by the Owner.

3. The General Contractor is responsible for verifying all covering, zoning, building, fire, plumbing, plumbing and electrical code requirements.



WAYZATA BAY RESIDENCE

405 Bushway Rd.
Newzote MN 55555

Title
Sheet

Not for
Construction

[illegible]

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Charles E. G. Bosters, LLC

LANDSCAPE DESIGN	INTERIOR DESIGN	STRUCTURAL ENGINEER	GENERAL CONTRACTOR	ARCHITECTURAL DESIGN
Topo, LLC. 112 N. 3rd. St., Ste. 500 Minneapolis, MN 55401	Perkins + Will 80 S. 8th St., Ste. 300 Minneapolis, MN. 55402	Mattson, MacDonald & Young 901 3rd. Street, Ste. 100 Minneapolis, MN. 55401	John Kraemer & Sons 4906 Lincoln Dr. Edina, MN. 55434	Charlie & Co. Design, Ltd. 212 3rd. Ave. N., Ste. 356 Minneapolis, MN. 55401
Phone: +612.929.2049	Phone: +612.851.5030	Phone: +612.827.7825	Phone: +952.935.9100	Phone: +612.333.2246
Contact: Scott Ritter	Contact: Jeremy Collatz	Contact: Joe Cain	Contact: Jeff Kraemer	Contact: Marcy Townsend Charlie Simmons

A0.0	TITLE SHEET
A1.0	SITE PLAN
A1.1	LOWER LEVEL PLAN
A1.2	FIRST FLOOR PLAN
A1.4	ROOF PLAN
A2.0	EAST EXTERIOR ELEVATIONS
A2.1	SOUTH EXTERIOR ELEVATIONS
A2.2	WEST EXTERIOR ELEVATION
A2.3	NORTH EXTERIOR ELEVATIONS
L100	LANDSCAPE PLAN (BY LANDSCAPE ARCHITECT)
L500	LANDSCAPE PLAN (BY LANDSCAPE ARCHITECT)

FLOOR PLAN NOTES:

- Civil elevation $947'-0" = 100'-0"$ architectural elevation.
- Dimensions are taken from face of rough framing or concrete masonry foundation walls - U.N.O.
- Refer to structural drawings for load bearing conditions, and additional details or location locations.
- Gridlines are primary layout lines for interior partitions, steelwork and maintain these lines throughout construction.
- Interior walls: 2x4 wd. framing w/ 5/8" spst. bd. each side - U.N.O.
- Interior bearing walls: 2x6 wd. framing w/ 5/8" spst. bd. each side - U.N.O.
- Exterior walls: 2x6 wd. framing @ full hgt. - U.N.O.
- All wood in contact w/ conc. to be foundation grade, pressure treated lumber.
- All walls must contain pocket doors to be 2x6 walls unless noted otherwise.
- Coordinate floor finishes and floor finish treatments - requirements not shown.
- The Architect is to field verify all as-built measurements before manufacturing.

- Contractor to coordinate design of mechanical, hvac, plumbing, & electrical systems and assure they are integrated into the architecture.
- Mechanical ducts to be contained within floor truss system u.n.o. Floor truss mfr. to verify locations. Any furred chases that are not shown are to be approved with Designer and provided by carpenter
- Plumbing walls to be 2x6 studs for entire wall of affected room. Any plumbing walls that are not shown are to be approved by Designer
- Verify exterior faucet locations w/ Owner & Contractor

- Window & door numbers taken from "Marvin Integrity" windows catalog (unless noted otherwise).
- Top of windows and doors @ 8'-0" (u.n.o on plan) @ first floor
- Top of windows and doors @ 8'-0" (u.n.o on plan) @ second floor
- Verify window & hardware color w/ Charlie & Co. & owner prior to ordering.
- Windows to have 66% jamb (see plan for windows w/ 4 1/8" jambs)
- See exterior elevations for grid pattern & swing
- Units to be provided w/ 1/8" interior & exterior grids (SD1) w/ aluminum spacer bar

- Interior doors & cased openings to be 8'-0" high at first floor and 8'-0" at second floor (head casing is intended to align w/ head casing @ exterior doors & windows) unless noted otherwise
- All door openings & cased openings to be set a min. of 5" clear from gyp. board to edge of door or opening unless noted otherwise

	Indicates Dropped Soffit Areas - See plans, details, or interior elevations for heights (verify heights not indicated w/ Charlie & Co.)
	Typical Wood Frame Wall
	Wood Frame Bearing Wall
	Existing Wood Frame Wall (remodeling only)
	Reinforced Concrete Wall
	Concentrated Point Load
	Grid Line

- 2x studs 16" o.c. w/ 3/8" batt. insul.
- 1/2" sound board (on symbol side of wall)
- Gyp. bd each side - unless noted otherwise
- No through-wall penetrations in sound walls

- 4" high tile curb -- U.N.O.
- Glass shower door (approx. size as noted - verify actual)
- Head @ $\pm 7'-0"$ (verify w/head selection & owner)
- Soap recess @ $\pm 48"$ a.f.f. (verify w/ owner)
- Ledger @ $\pm 56"$ a.f.f. (verify w/ owner)
- Bench @ $\pm 18"$ a.f.f. (verify w/ owner) w/ pitched top

1. The Owner/ General Contractor must take full responsibility including providing additional detailing, drawings, and engineering as needed, and to resolve configuration deficiencies in order to coordinate and provide the Work. The General Contractor has the right and responsibility to revise configurations and details depicted in the Construction Drawings, as required to complete the Work, a code compliant and technically sound project.
2. All structural requirements, including but not limited to footing foundations and framing work are to be verified by a Licensed Structural Engineer, provided by the Owner.
3. The General Contractor is responsible for verifying all connections, zoning, building, fire, heating, plumbing and electrical code requirements.

405 Bushaway Rd.
Wayzata, MN. 55554

ISSUANCE DATE:		
PRELIM. PRICING SET		04.09.18
DESIGN REVIEW		04.26.18
DESIGN REVIEW		05.03.18
VARIANCE SET		06.01.18

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1 Lower Level Plan
SCALE: $\frac{3}{4}" = 1'-0"$

FLOOR PLAN NOTES:

- Civil elevation $947.07' = 100.0'$ architectural elevation.
- Dimensions are taken from face of rough framing
- Concrete masonry foundation walls - U.N.O.
- Refer to structural drawings for load bearing locations, and additional details or sections
- Columns are primary layout lines and interior partitions. establish and maintain these lines through construction.
- Interior walls: 2x4 wld. framing w/ 5/8" gyp. bd. each side. U.N.O.
- Interior bearing walls: 2x6 wld. framing w/ 5/8" gyp. bd. each side. U.N.O.
- Exterior walls: 2x6 wld. framing @ full hgt. U.N.O.
- All wood in contact w/ conc. to be foundation grade, pressure treated lumber.
- All walls that contain gable doors to be 2x6 wld unless noted otherwise.
- Coordinate Roof finishes and Roof finish transitions - require that not shown.
- The Cabinet Maker is to verify field all measurements before manufacturing.

- Contractor to coordinate design of mechanical, hvac, plumbing, & electrical systems and assure they are integrated into the architecture.
- Mechanical ducts to be contained within floor truss system u.n.o. Floor truss mfr. to verify locations.
- Any furred chases that are not shown are to be approved with Designer and provided by carpenter
- Plumbing walls to be 2x6 studs for entire wall of effected room. Any plumbing walls that are not shown are to be approved by Designer
- Verify exterior faucet locations w/ Owner & Contractor

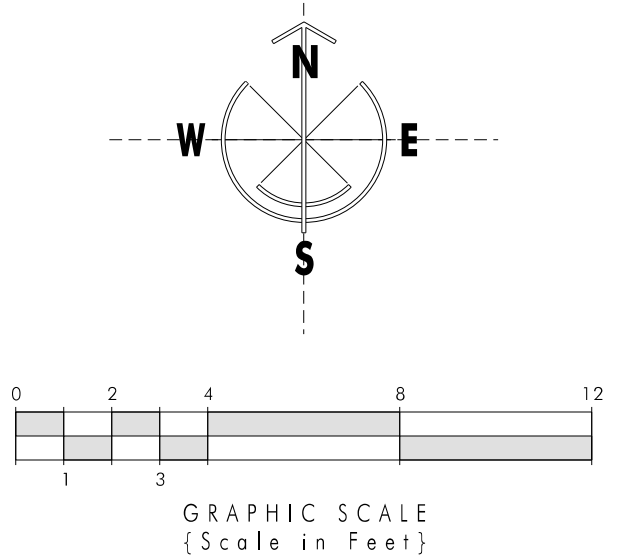
- Window & door numbers taken from "Marvin Integrity" windows catalog (unless noted otherwise).
- Top of windows and doors @ 8'-0" (u.n.o on plan) @ first floor
- Top of windows and doors @ 8'-0" (u.n.o on plan) @ second floor
- Verify window & hardware color w/ Charlie & Co. & owner prior to ordering.
- Windows to have 61/8" jamba (see plan for windows w/ 47/8" jamba)
- See exterior elevations for grid pattern & swing
- Units to be provided w/ 7/8" interior & exterior grids (SDL) w/ aluminum spacer bar

- Interior doors & cased openings to be 8'-0" high at first floor and 8'-0" at second floor (head casing is intended to align w/ head casing @ exterior doors & windows) unless noted otherwise
- All door openings & cased openings to be set a min. of 5" clear from gyp. board to edge of door or opening unless noted otherwise

 Indicates Dropped Soffit Areas - See plans, details, or interior elevations for heights (verify heights not indicated w/ Charlie & Co.)
 Typical Wood Frame Wall
 Wood Frame Bearing Wall
 Existing Wood Frame Wall (remodeling only)
 Reinforced Concrete Wall
 Concentrated Point Load
 Grid Line

- 2x studs 16" o.c. w/ 3 1/2" batt. insul.
- 1/2" sound board (on symbol side of wall)
- Gyp. bd each side - unless noted otherwise
- No through-wall penetrations in sound walls

- 4" high tile curb -- U.N.O.
- Glass shower door (approx. size as noted - verify actual)
- Head @ $\pm 7^{\circ}$ (verify w/ head selection & owner)
- Soap recess @ $\pm 48^{\circ}$ a.f.f. (verify w/ owner)
- Ledge @ $\pm 56^{\circ}$ a.f.f. (verify w/ owner)
- Bench @ $\pm 18^{\circ}$ a.f.f. (verify w/ owner) w/ pitched top



**IMPORTANT NOTE FOR
ALL CONTRACTORS &
SUB-CONTRACTORS**

1. The Owner/ General Contractor must take full responsibility including providing additional detailing, drawings, and engineering as needed, and to resolve configuration deficiencies in order to coordinate and complete the work. The General Contractor has the right and responsibility to revise configurations and details depicted in the Construction Drawings, as required, to properly construct a complete and technically sound project.
2. All structural requirements, including but not limited to footing foundation and framing work are to be provided by a Licensed Structural Engineer, provided by the Owner.
3. The General Contractor is responsible for verifying all covenants, zoning, building, fire, health and safety and electrical code requirements.

405 Bushway Rd.
Wayzata, MN. 55xx

Not for
Construction

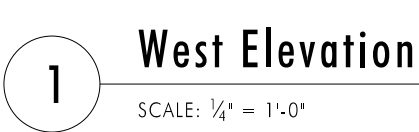
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DESIGN REVIEW	04.26.18
DESIGN REVIEW	05.03.18
DESIGN SET	06.01.18

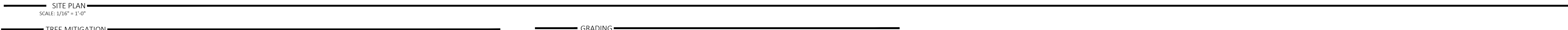
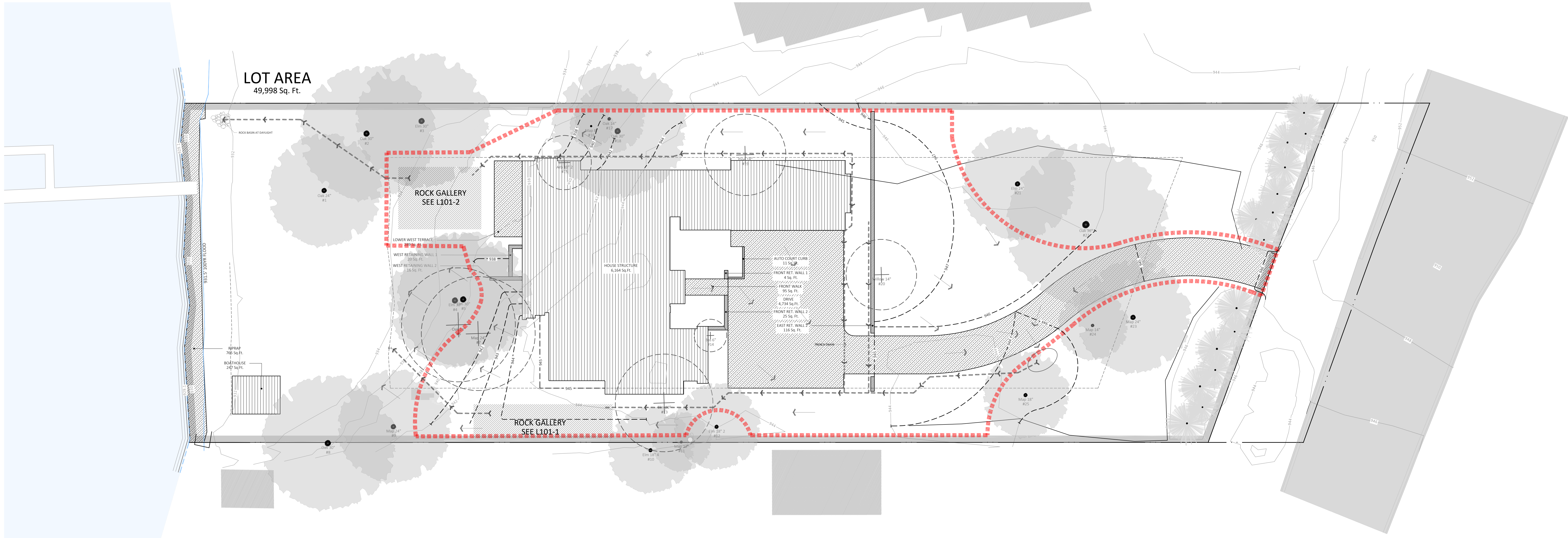
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TREE INVENTORY

STATUS KEY:

R - Remove Existing Tree
* Denotes mitigation required
T - Transplant existing tree to new location on site
P - Protect existing tree to remain
D - Dead Tree

405 Bushaway Rd. Wayzata, MN. 55391

* Denotes trees requiring mitigation

Tree No.	Species	Size	Status (R,T,P)	Category (Significant, Heritage)
1	Oak	24"	P	S
2	Oak	24"	P	H
3	Elm	30"	P	H
4	Elm	30"	P	H
5	Elm	30"	P	H
6	Oak	24"	R	S
7	Map	24"	R	S
8	Oak	30"	P	H
9	Map	24"	P	S
10	Elm	18"	P	S
11	Map	12"	P	S
12	Elm	18"	P	S
13	Elm	20"	R	S
14	Map	12"	P	S
15	Map	12"	P	S
16	Map	12"	P	S
17	Oak	14"	P	S
18	Oak	30"	P	H
19	Map	12"	P	S
20	Willow	14"	R	S
21	Elm	24"	P	S
22	Oak	30"	P	H
23	Map	24"	P	S
24	Map	14"	P	S
25	Map	18"	P	S

TREE REPLACEMENT SCHEDULE / MITIGATION DATA

TREE PRESERVATION AND REPLACEMENT DATA:

Total Trees Inventory>	25 ± 530"(dia at DBH)
Total Heritage Trees>	7 ± 216" (dia at DBH)
Total Significant Tree>	18 ± 314"(dia at DBH)

Trees to be Mitigated

Heritage Trees to be Removed:	
Softwood Deciduous Tree(s) 30" or greater in dia. at DBH	0
Hardwood Deciduous Tree(s) 25" or greater in dia. at DBH	0
Coniferous Tree(s) 25" or greater in dia. at DBH	0
Total Heritage Tree(s) dia. at DBH	dia at DBH = 0"
Significant Trees to be Removed:	
Softwood Deciduous Tree(s) 12" or greater in dia. at DBH	0
Hardwood Deciduous Tree(s) 6" or greater in dia. at DBH	#6 - Oak 24"
	#7 - Map 24"
	#13 - Elm 20"
	#14 - Basswood 6"
	#20 - Willow 14"
Coniferous Tree(s) 12" or gr. in DBH or 12" or gr. in height	#20 - Willow 14"
Total Significant Tree(s) dia. at DBH	dia at DBH = 106"

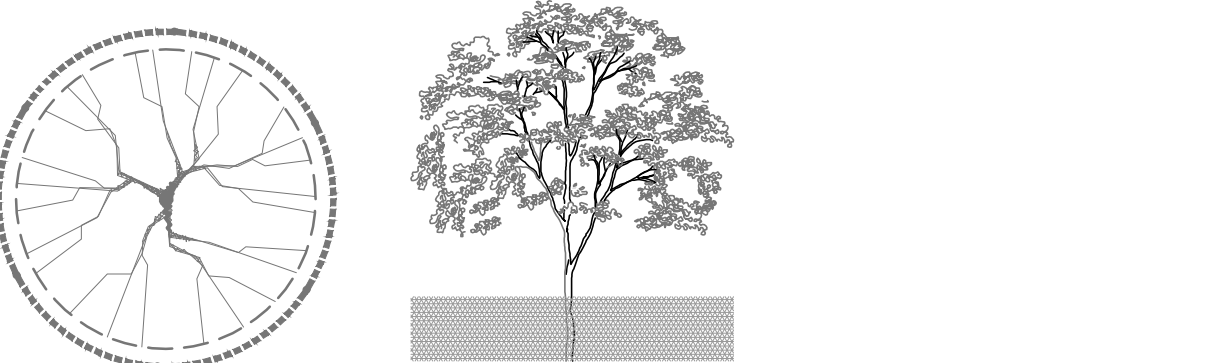
MITIGATION REQUIRED

Total Trees to be removed	6
Total Heritage Trees to be removed>	0 (dia at DBH)
Total Significant Trees to be removed>	6 ± 108"(dia at DBH)
25% Allowable removal of the existing significant trees dia.	530"(existing dia.) x 25% = 132.5"
Proposed percentage of significant trees removal	20% (under by 26.5")

	Required	Proposed
Heritage mitigation requirements		
Deciduous caliper inches (replace 2" per 1" removed DBH)	0	0
Coniferous caliper inches	0	0
Significant Tree mitigation requirements		
Deciduous caliper inches	0	0
Coniferous caliper inches	0	0

NO MITIGATION REQUIRED

TREE PROTECTION



4' ht. orange safety fence with posts spaced 6' o.c. max at drip line of outer most branches, refer to plan for locations.
6" Shredded Hardwood Mulch. Remove existing vegetation or suckering before installing mulch.

TREE PROTECTION NOTES:

1. Trees not noted to be removed shall be protected throughout the duration of the contract. Protection fences will be installed at trees to remain. The protection fence will be maintained and communications to all construction trades as a no disturbance area throughout the duration of the construction.

2. Tree protection areas are a continuing process or method to not disturb the health or quality of the existing tree. This process may include, but not be limited to, minimizing compaction to soils, addition or reduction in soil elevations within the drip line, or storage of equipment or vehicles within protected fence areas.

GRADING

DEMOLITION KEY NOTES:

- The contractor must protect all existing roads, curbs, structures, trees and site elements not designated for removal. Any damage shall be repaired or replaced at contractor's expense to the satisfaction of the Owner's representative.
- Protect all trees designated to be saved with a barrier fence consisting of safety-capped rebar posts placed no more than 8 feet on center with 4 foot high orange square mesh barrier fencing. The mesh shall be 1/2" x 1/2" or equal, attached to posts. Barrier fence must be installed at the limits of the drip line prior to construction, and must not be removed until final landscaping is to be completed. Reference detail XXX.
- Prior to construction, contact the Owner's representative to visit site and verify trees to be saved. Contractor must review the drawings, and daily work schedule, so that should proposed grades pose a "tree to be saved" the contractor's work is not impeded and there will be time to study the issue. If roots of the trees designated to be saved are cut, broken or disturbed by construction operations, they must be immediately and cleanly root pruned with a sharp axe or pruner.

GRADING/DRAINAGE NOTES:

- Provide and maintain positive drainage away from all structures at all times.
- All design contours and proposed elevations indicated are to finish grade unless otherwise noted.
- The contractor shall account for all imported surface and planting materials in determining earthwork requirements.
- Grading operations must minimize the potential for erosion.
- Prior to rough grading the site, the contractor must remove all topsoil in areas to be disturbed and stockpile on site for future use. Excess topsoil must be removed from the site after finish grading at the contractor's expense.
- If the earthwork for the site is anticipated to produce an excess of material. The contractor must remove all excess material from the site and dispose of it at the contractor's expense.
- No topsoil shall be removed from restoration areas without approval from the landscape architect.
- Topsoil compacted by construction traffic in restoration areas shall be loosened under the direction of the landscape architect.
- Locations and elevations of existing topography and utilities as shown on this plan are approximate. Contractor shall field verify site conditions and utility locations prior to excavation/construction. The Owner's representative shall be notified immediately if any discrepancies are found.
- An excavation shall be in accordance with the current edition of "Standard specifications for trench excavation and backfill/surface restoration" as prepared by the city of engineer's association of Minnesota.
- Adjacent streets, alleys and properties must be swept to keep them free of sediment and materials tracked, blown or washed from the site. Contractor must monitor conditions and sweep as needed for within 24 hours notice by the Owner's representative. Sweeping is incidental to the project.
- Contractor must maintain dust control for the site at all times and provide watering trucks as needed, or within 24 hours notice by the landscape architect. Dust control is incidental to the project.

GRADING /DRAINAGE KEY NOTES:

- No grading, stockpiling of materials, or staging is permitted outside of the limits of work.
- All areas indicated for surf are to receive 8" of topsoil.
- Contractor is to subcut driveway to 16" from finish grade, and then base driveway with 5" of base.
- Contractor is to excavate and shape pond to grades shown. Specifications...
- Stormwater Management System to be installed per plan and specifications.

EROSION CONTROL NOTES:

- The contractor is responsible for reviewing the erosion control requirements of the site, and for installing and maintaining erosion control measures where needed. Even if they are not indicated on the drawings.
- Where disturbed soil will be exposed for more than 21 days, the contractor must seed with a temporary cover crop to prevent erosion or cover with temporary erosion blanket until. Temporary seed mix must be approved by Owner's representative prior to installation. Temporary seed seeding or erosions blankets is incidental to the project.

EROSION CONTROL KEY NOTES:

- All temporary erosion control measures must be in place prior to any removal work and must be maintained until permanent erosion control measures have been completely implemented and established.
- Install silt fencing around the perimeter of the limits of work and maintain until permanent erosion control is established. All silt fence must be orange geotextile fabric with steel posts. Machine slicing of silt fencing around or under trees will not be permitted. Silt fence around or under trees must be hand placed and fastened to the ground with staples.
- Inlet protection (silt fence barricades, silt stacks, riser pipes or filter fabric and gravel) must be installed in all existing affected catch basins prior to any removal work, and in all new catch basins immediately after catch basin installation.

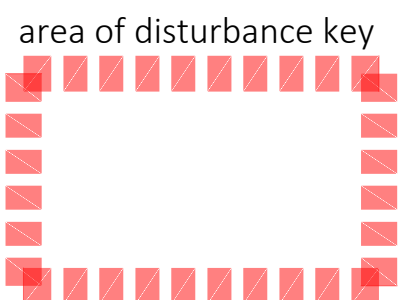
GRADING AND DRAINAGE PLAN KEY:

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- DIRECTION OF SLOPE
- SILT FENCE
- BIO LOG
- NDS BOX FOR ROOF DRAINS
- PVC DRAIN PIPE, SIZE AND DIRECTION OF FLOW AS NOTED ON SITE PLAN

FLOOD PLAIN IMPACT:

CUT = 0
FILL = 0

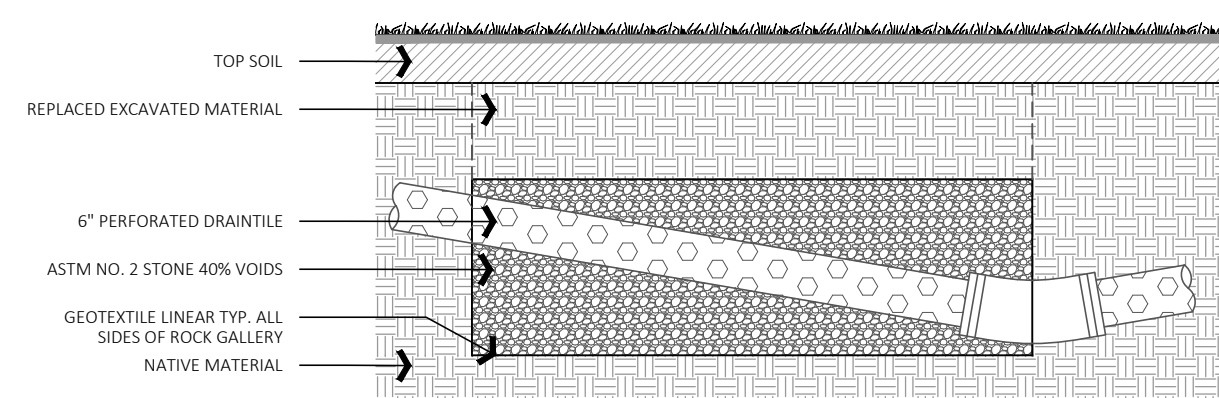
AREA OF DISTURBANCE:
26.662 SQUARE FEET / 0.61 ACRES



IMPERVIOUS COVERAGE KEY:

- Impervious Area - Structure
- Impervious Area - Hardscaping
- Impervious Area - Retaining/Site Walls

L101-1 ROCK GALLERY. TYP



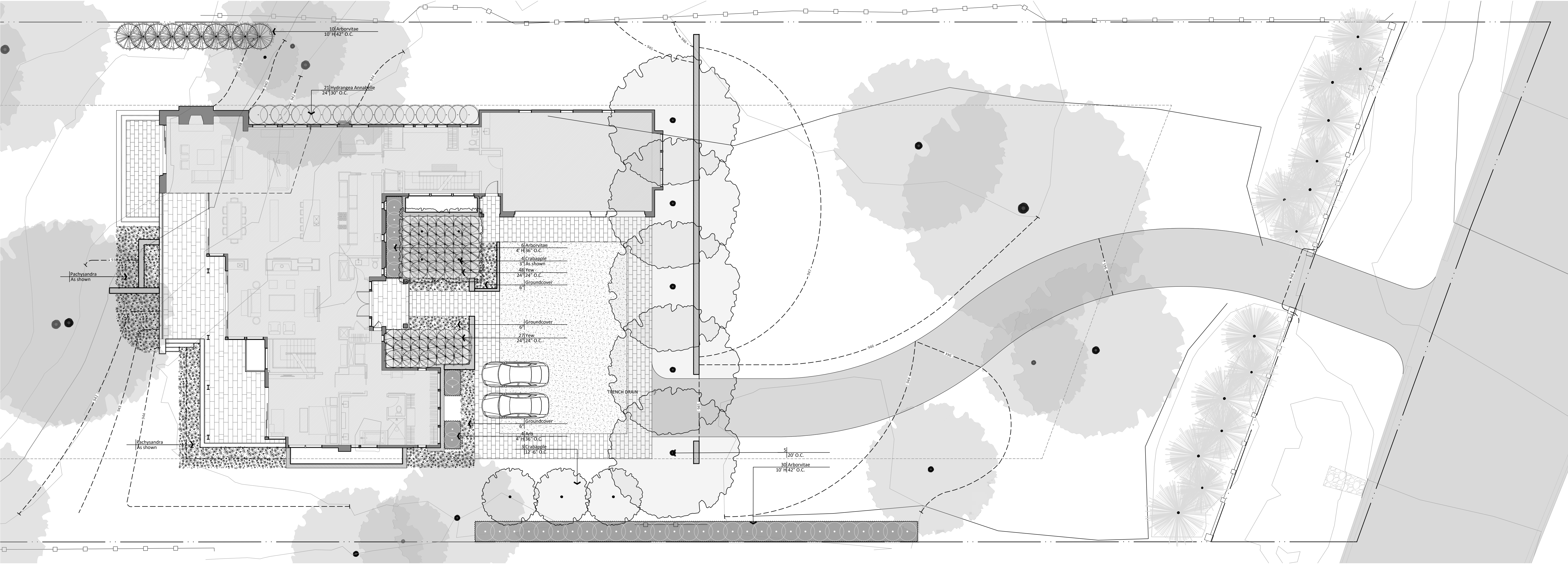
NOTE: LENGTH AND WIDTH OF ROCK GALLERY VARIES. SEE PLANS FOR GALLERY DIMENSIONS.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

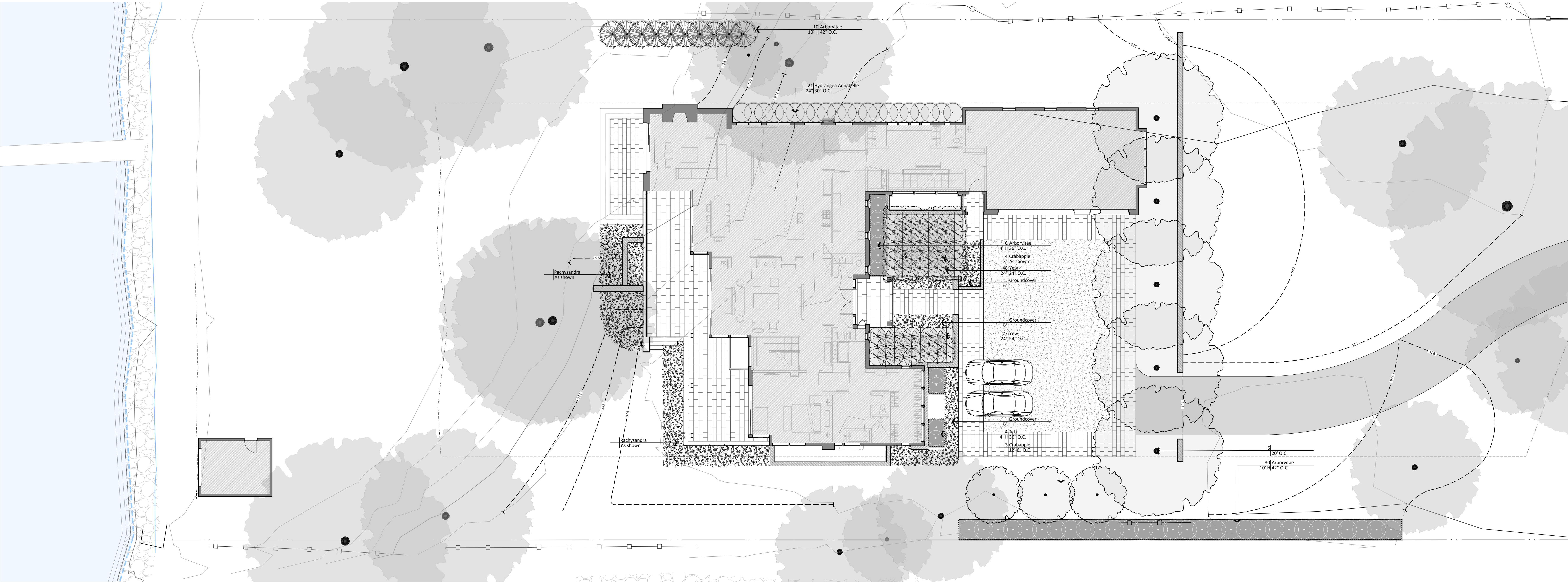
REVISIONS:	DATE
REV # / DESCRIPTION	

Not For Construction
HARDCOVER/
TREE MITIG.

DESIGNED BY: SR
DRAFTED BY: AB
ISSUE DATE: 04.19.18
DRAWING SCALE: 1/8" = 1'-0"



PLANTING PLAN
SCALE: 1/8" = 1'-0"



PLANTING PLAN LAKE SIDE
SCALE: 1" = 10'-0"

topo

530 NORTH THIRD STREET, SUITE 401
MINNEAPOLIS, MINNESOTA 55401
612.559.2048
www.topoic.com

TAYLOR

405 Bushway Rd. Wayzata, MN. 55391

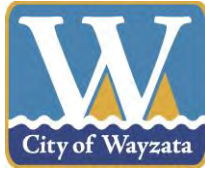
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE
ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

REVISIONS: REV # / DESCRIPTION DATE

Not For Construction
PLANTING

DESIGNED BY: SR
DRAFTED BY: AB
ISSUE DATE: 04.19.18
DRAWING SCALE: 1/8" = 1'-0"

L500



Staff Report July 16, 2018

Project Name: Enclave at Crossdale
Addresses of Request: 205, 211, 223 Byrondale Ave N
Prepared by: Olivia Dorow Hovland, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 29, 2018

Development Application

Introduction

The applicant Susan Seeland, on behalf of the property owners, Scott and Sarah Johnson, Douglas and Sarah Carter, and Bruce Gates, has submitted a Conditional Use Permit application for the properties at 205, 11, and 223 Byrondale Ave N. The applicant is proposing to install fencing and a gate along the property lines adjacent to Wooddale Avenue. The proposed fence is six feet high and 100% solid. The applicant is requesting a conditional use permit for a fence in the front yard that is greater than 50% solid matter, and greater than 42 inches in height.

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- Conditional Use Permit: Fences consisting of greater than 50% solid matter in front of the rear building line up to the front property line and not exceeding a height of 8 feet are allowed by CUP.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
205 Byrondale Ave N	06-117-22-14-0090	Scott and Sarah Johnson
211 Byrondale Ave N	06-117-22-14-0091	Douglas and Sarah Carter
223 Byrondale Ave N	06-117-22-14-0015	Bruce A Gates Revocable Trust

The current zoning and comprehensive plan land use designation for the properties are as follows:

Current zoning:	PUD/Planned Unit Development
Comp Plan designation:	Low Density Single Family
Overlay districts:	NA

Project Location

The properties are on the west side of Byrondale Ave, at Cross St and Wooddale Ave:

Map 1: Project Location



Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-Family Residential	R-3A Single and Two Family Residential District	Low Density Single Family
East	Single-Family Residential	R-3A Single and Two Family Residential District	Low Density Single Family
South	Single-Family Residential	PUD/Planned Unit Development	Low Density Single Family
West	Single-Family Residential	R-3A Single and Two Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on July 5, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 3, 2018.

Analysis of Application**Proposed Fence**

The applicant is requesting a conditional use permit for fence height and opacity for a fence located in the front yard. The proposed plans includes a 60 foot long fence, 6 feet in height, with 100% solid matter. The fence would run along the western property lines along Wooddale Ave. There will also be a four-foot swing gate to provide access to the public trail that runs from Wooddale Ave to Byrondale Ave.

Although the area where the fence is located in what functions as the back yard of the properties, the lots are considered double frontage lots since they have street frontage on Byrondale Ave and Wooddale Ave. Therefore, the front yard fence requirements apply to the fence located along Wooddale Ave.

In the front yard, defined as the area between the house and the street, a fence with a maximum height of 42-inches and a maximum opaqueness of 50 percent is permitted by the zoning ordinance. Fences consisting of greater than 50% solid matter, not exceeding 8 feet are allowed with a conditional use permit.

Applicable Code Provisions for Review

Conditional Use Permit for a Fence: City Code Section 801.18.1.F.2 outlines the following standards for evaluating fence conditional use permits:

- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
- B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
- C. The provisions of Section 801.04.2.G of this Ordinance are considered and satisfactorily met.

Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

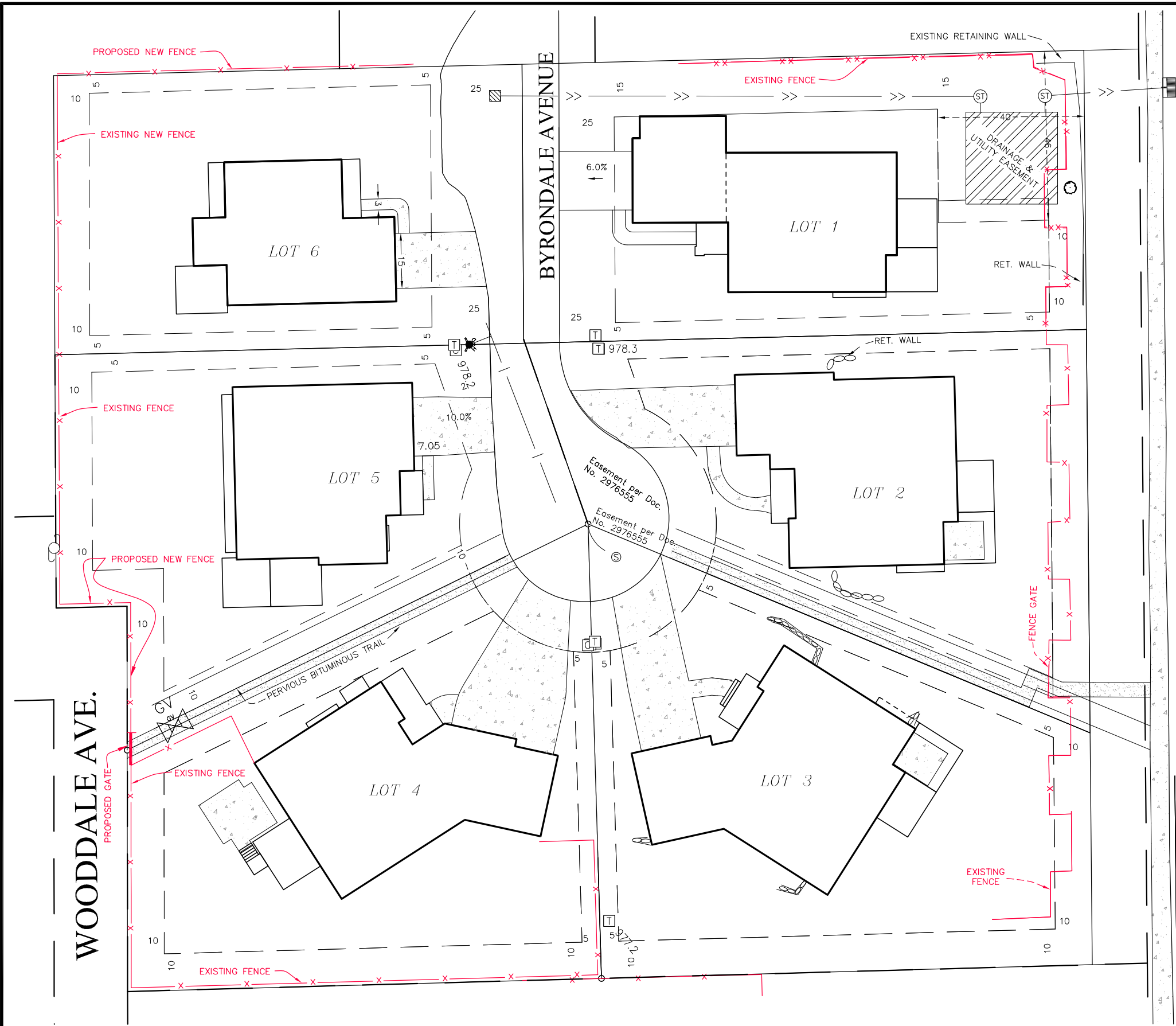
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Proposed Plans

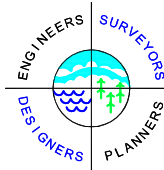


Property Description: **Lots 1-6, Block 1, ENCLAVE AT CROSSDALE**

1. This sketch is a computation of the proposed lot certificates. The building and fence locations have not been field located.

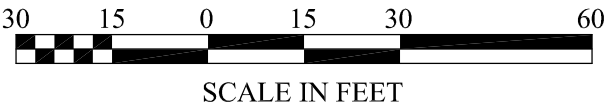


JOB #:7282-007	REVISIONS
FIELD CREW:	N/A
DRAWN BY:	DLS
CHECKED BY:	DLS
DATE:	5/25/2018



SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

FENCE EXHIBIT
 PREPARED FOR
PRDC





To: Crossdale Development
901 Twelve Oaks Center Drive #928
Wayzata, MN 55391

05/30/2018

RE: Brae's Court (Wayzata Enclave Project)
Additional Fencing

Furnish & Install Additional 6' High Cedar Cap & Wrap Fence & Gate:

- 160' total of new fence
 - 100' along north perimeter
 - 60' on west side w/ 4' wide swing gate
- 4" x 4" cedar posts set in 36" deep concrete footings @ 8' on center or less
- (3) – 2" x 4" cedar stringers per bay nailed vertically to prevent warp
- (4) – 1' x 4" cedar 'cap & wrap' boards nailed on top and opposite sides of stringers
 - creates uniform look from front and back sides
- 1" x 6" cedar boards nailed in board over board pattern to match existing fence

- (1) - 4' wide swing gate installed at west end of trail

Total Project Price = \$7695.00

Any questions, call.

Thanks,

Mark Wassink

Town & Country Fence

8511 Xylon Ave N

Brooklyn Park, MN 55445

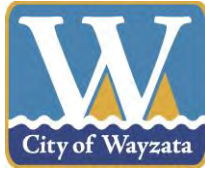
763-425-5050 – office

763-425-9006 – fax

markw@tcfence.com







**Staff Report
July 16th, 2018**

Project Name: Greenway Boathouse
Addresses of Request: 623 Bushaway Rd
Prepared by: Olivia Dorow Hovland, Planning Consultant
Reviewed by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 29, 2018

Development Application

Introduction

The applicant, Greg Jurvakainen of L. Cramer Builders, on behalf of the property owners, Chad and Jenni Greenway, have submitted a development application for the property at 623 Bushaway Rd. The property owners are proposing to construct a new boat house, replacing the existing one on the site. The new boathouse would be 250 square feet in size. It would be located generally in the same location as the existing one, but moved further back from the shoreline to meet setback requirements. The development application requests approval of a lot coverage variance.

Application Requests

As part of the submitted development application, the applicant is requesting approval of the following items:

- Variance: Within the R-1A zoning district, lot coverage shall not exceed 10% of lot area. The proposed new boathouse would exceed the 10% maximum lot coverage requirement. (Section 801.51.7)

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
623 Bushaway Road	0811722230009	Jennifer Capista Revoc. Trust

The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-1A Low Density Single Family Estate
-----------------	---------------------------------------

Comp Plan designation:	Estate Single Family Residential
Overlay districts:	Shoreland Overlay

Project Location

The property is on the west side of Bushaway Road (County Road 101) on Wayzata Bay:

Map 1: Project Location



Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-Family Residential	R-1A Low Density Single Family Estate District	Estate Single Family Residential
East	Single-Family Residential	R-1A Low Density Single Family Estate District	Estate Single Family Residential
South	Single-Family Residential	R-1A Low Density Single Family Estate District	Estate Single Family Residential
West	Wayzata Bay – Public Waters	No Zoning - Public Waters	Estate Single Family Residential

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on July 5, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 3, 2018.

Analysis of Application

Proposed Overview

The property owner is requesting a variance for more than the maximum lot coverage allowed, which shall not exceed 10 percent of lot area. Lot coverage is defined as, “the area of a lot occupied by the principal building or buildings and all accessory buildings.” There is an existing boat house on the property which is 187 square feet in size. The proposal is to remove the existing boathouse and replace it with one that is 250 square feet in size. This new building would be placed further back from the lake and would meet all other setback and height requirements. This new structure would be 63 square feet larger than the existing one it would replace.

In addition to the maximum lot coverage, the R-1A district has a maximum impervious surface coverage of 20 percent, which includes the lot coverage improvements plus all other hard surfaces such as driveways, patios, retaining walls, etc. The impervious surface coverage would still be below the maximum allowed.

The following table illustrates the existing and proposed lot coverage as detailed in a survey provided by the applicant. The surveyed lot size is 74,876 square feet in area. It shows that the new boathouse will put the coverage at 72 square feet (.1%) over the maximum coverage allowed.

	Maximum Coverage	Existing	Proposed	Difference
Boat House		187	250	63
House		6,862	6,862	
Covered Patio		163	163	
Pool Building		285	285	
Lot Coverage Total (10%)	7,488	7,497	7,560	(72)

Variance

Section 801.51.7 of the Zoning Ordinance stipulates that lot coverage shall not exceed ten (10) percent of lot area.

Zoning

The following table outlines the zoning standards for Accessory Structures in the R-1A zoning district:

	R-1A Zoning District	Proposed
Height (max.) Water-Oriented Accessory Structure	10 ft.	10 ft.
Lot coverage	Lot coverage shall not exceed ten (10) percent of lot area.	10.1%
Structures adjacent to a shoreline used exclusively for the storage of watercraft Side Rear Yard	10 ft. None Required	~18 ft.

Action Steps

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

Attachments

Applicant's Narrative
Proposed Plans

Applicable Code Provisions for Review

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.



ESTABLISHED 1978

May 30, 2018

Mr. Jeff Thomson
Director of Planning and Building
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Variance for Boathouse at 623 Bushaway Road

Dear Mr. Thomson:

I am requesting a variance for construction of a new boathouse at 623 Bushaway Road. The proposed boathouse is slightly larger than the existing boathouse but well within the code requirements for size, and it meets the hardcover requirement. The area for which we need a variance is in meeting the 10% maximum building size as we are approximately 53 sq. ft. over the limit.

The new boathouse will be designed to match the existing house and will be much more attractive in nature than the current structure. In addition, the new boathouse would sit further back from the lakeshore. I believe the nearby neighbors would welcome the project as an improvement to the property and community.

The property is just short of two acres in size, and the replacement of the current boathouse with a slightly larger structure will not seem out of proportion in relationship to the overall size of the property.

We would like to move forward with this project. Any insight you could provide that would help us meet the goals of the City and allow us to build the new boathouse would be appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Jurvakainen", is written over a light blue circular stamp.

Greg Jurvakainen

AS-BUILT SURVEY FOR L. CRAMER DESIGNERS AND BUILDERS IN LOT "B" CARPENTERS POINT HENNEPIN COUNTY, MINNESOTA

LEGAL DESCRIPTION OF PREMISES SURVEYED

That part of the following described Tract
That part of Lot "B", "Carpenters Point", Hennepin County Minn. described as follows
Beginning at a judicial monument at the point of intersection of the Northeastern line of Lot "B"
Carpenters Point with the Westerly line of County Road Number 13 as now laid out and
travelled across said Lot "B", thence South 58 degrees 18 minutes East along the Northeastern
line of said Lot "B" a distance of 81.3 feet to the Northeastern corner of said Lot "B" at the shore
of Grays Bay Lake Minnetonka, thence South 58 degrees 18 minutes East along the shore of Grays Bay to a point
South 33 degrees 42 minutes West 55.65 feet from the Northeastern line of said Lot "B", thence
North 58 degrees 18 minutes West on a line parallel with the Northeastern line of said Lot "B" to
the center line of said County Road Number 13, thence North 85 degrees 30 minutes West
170.35 feet, thence South 85 degrees 30 minutes West 80.4 feet thence North 54 degrees 33
minutes West 405.9 feet, more or less to the shore of Wayzata Bay, Lake Minnetonka, thence in
a Northernly direction along the shore of Wayzata Bay to the Northeastern corner of said Lot "B",
thence South 58 degrees 18 minutes East along the Northeastern line of said Lot "B" a distance
of 22.6 feet, more or less, to a judicial monument distant 454.4 feet Northwest of the point of
beginning, thence continuing South 58 degrees 18 minutes East along the Northeastern line
of Lot "B" a distance of 454.4 feet to the judicial monument set at said point of beginning,
Which lies Northwest of the center line of said County Road Number 13.

This survey shows the boundaries and topography of the above described property, and the
location of an existing house, pool house, tool house, driveway, and other visible "hardcover"
thereon. It does not purport to show any other improvements or encroachments.

- Iron marker found
- Iron marker set
- - - Existing contour line, mean sea level datum

LAKE MINNETONKA
WAYZATA BAY

EXISTING HOUSE
#611 BUSHAWAY ROAD

EXISTING HOUSE
(L.A.)

PROPERTY ADDRESS
#623 BUSHAWAY ROAD

BUSHAWAY ROAD
(CO. RD. NO. 10)
(F-K-A CO. RD. NO. 13)

HARDCOVER CALCULATIONS

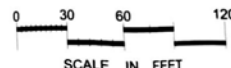
LOT TO MONUMENTED PROPERTY LINE
AND EXCLUDING BUSHAWAY ROAD R.O.W

HOUSE
BLACKTOP DRIVE
PAVER DRIVE
PAVER APRON
PAVER PATIO
PAVER POOL AREA
PAVERS
POOL BUILDING
COVERED PATIO
BOATHOUSE
STEPS
STONE WALKS
STEP STONES
A/C PADS
GEN PAD
CONC. POOL PAD
BORDERS

74876+ S.F
6862+ S.F
3218+
1151+
183+
388+
1604+
164+
285+
183+
187+
142+
253+
87+
27+
12+
35+
87+

TOTAL
14848/74876 = 19.83%

14848+ S.F



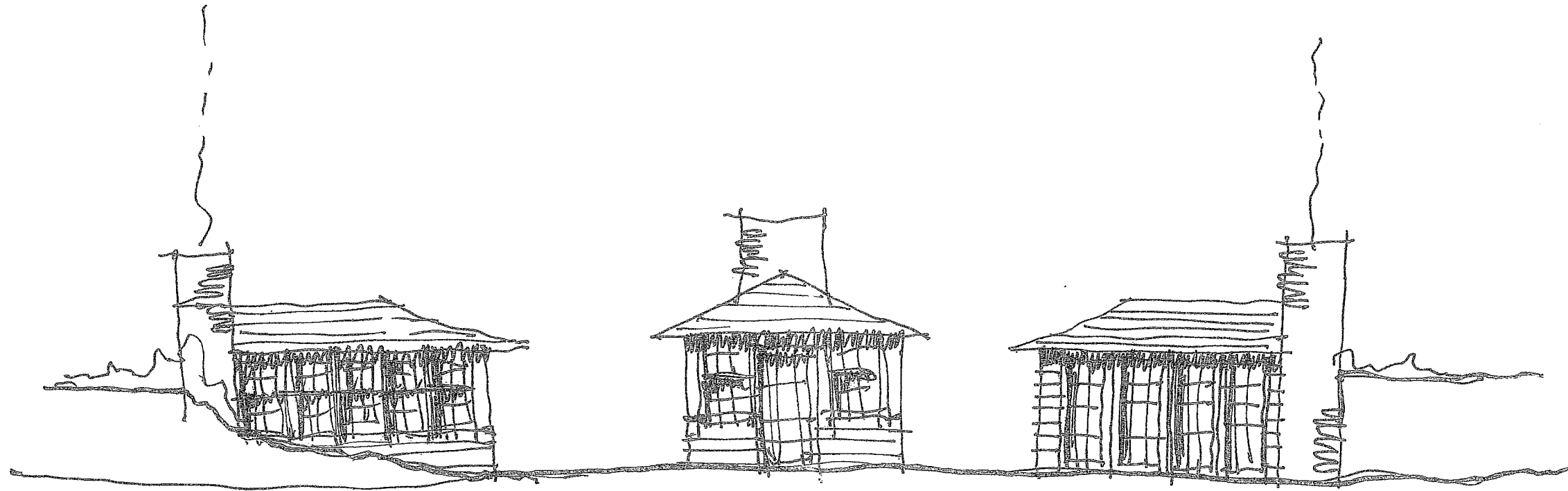
GRONBERG & ASSOCIATES, INC.
SURVEYORS, LAND PLANNERS
AND ENGINEERS
448 N. WILLOW DRIVE LONG LAKE, MN 55309
PHONE: 952-473-1411 FAX: 952-473-1435



1. Accuracy: This survey was made in accordance with the Minnesota Surveying Act, Chapter 329A, Minnesota Statutes, and the rules and regulations of the Minnesota Board of Surveying and Mapping.

REVISIONS

DATE



. boathouse option three .

PROPOSED BOAT HOUSE FOOTPRINT

± 20' x 12'

